GRAYSON and HOYER changed their vote from ''yea'' to ''nay.''

Messrs. AMODEI and COLLINS of Georgia changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 193, not voting 11, as follows:

[Roll No. 511]

AYES—227

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Carter
Cassidy
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—193

Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Barton
Capito
Conaway
DesJarlais
Hastings (FL)
Nunnelee
Ribble
Rush
Sánchez, Linda T.
Wasserman Schultz
Wolf

□ 1408

Ms. SINEMA changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOBS FOR AMERICA ACT

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 727, I call up the bill (H.R. 4) to make revisions to Federal law to improve the conditions necessary for economic growth and job creation, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to House Resolution 727, the bill is considered read.

The text of the bill is as follows:

H.R. 4

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 ''Jobs for America Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. PAYGO SCORECARD.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

DIVISION I—WAYS AND MEANS

TITLE I—SAVE AMERICAN WORKERS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Save American Workers Act of 2014''.

SEC. 102. 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 determined, include for such month a number of full-time employees determined by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 174.''.

(b) FULL-TIME EMPLOYEES.—Paragraph (4) of section 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.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2013.

TITLE II—HIRE MORE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Hire More Heroes Act of 2014''.

SEC. 202. 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 of 1986 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.

TITLE III—AMERICAN RESEARCH AND COMPETITIVENESS

SEC. 301. SHORT TITLE.

This title may be cited as the ''American Research and Competitiveness Act of 2014''.

SEC. 302. RESEARCH CREDIT SIMPLIFIED AND MADE PERMANENT.

(a) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to the sum of—

''(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,

''(2) 20 percent of so much of the basic research payments for the taxable year as exceeds 50 percent of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus

''(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research.''.

(b) REPEAL OF TERMINATION.—Section 41 of such Code is amended by striking subsection (h).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 41 of such Code is amended to read as follows:

''(c) DETERMINATION OF AVERAGE RESEARCH EXPENSES FOR PRIOR YEARS.—

''(1) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENDITURES IN ANY OF 3 PRECEDING TAXABLE YEARS.—In any case in which the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.

''(2) CONSISTENT TREATMENT OF EXPENSES.—

''(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under subsection (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.

''(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses or basic research payments caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in determining the average qualified research expenses or average basic research payments taken into account under subsection (a).''.

(2) Section 41(e) of such Code is amended—

(A) by striking all that precedes paragraph (6) and inserting the following:

''(e) BASIC RESEARCH PAYMENTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'basic research payment' means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

''(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

''(B) such basic research is to be performed by such qualified organization.

''(2) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in subparagraph (C) or (D) of paragraph (3), subparagraph (B) of paragraph (1) shall not apply.'',

(B) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and

(C) in paragraph (4) as so redesignated, by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(3) Section 41(f)(3) of such Code is amended—

(A)(i) by striking '', and the gross receipts'' in subparagraph (A)(i) and all that follows through ''determined under clause (iii)'',

(ii) by striking clause (iii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively,

(iii) by striking ''and (iv)'' each place it appears in subparagraph (A)(iv) (as so redesignated) and inserting ''and (iii)'',

(iv) by striking subclause (IV) of subparagraph (A)(iv) (as so redesignated), by striking '', and'' at the end of subparagraph (A)(iv)(III) (as so redesignated) and inserting a period, and by adding ''and'' at the end of subparagraph (A)(iv)(II) (as so redesignated),

(v) by striking ''(A)(vi)'' in subparagraph (B) and inserting ''(A)(v)'', and

(vi) by striking ''(A)(iv)(II)'' in subparagraph (B)(i)(II) and inserting ''(A)(iii)(II)'',

(B) by striking '', and the gross receipts of the predecessor,'' in subparagraph (A)(iv)(II) (as so redesignated),

(C) by striking '', and the gross receipts of,'' in subparagraph (B),

(D) by striking '', or gross receipts of,'' in subparagraph (B)(i)(I), and

(E) by striking subparagraph (C).

(4) Section 45C(b)(1) of such Code is amended by striking subparagraph (D).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.

SEC. 303. PAYGO SCORECARD.

(a) PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE IV—AMERICA'S SMALL BUSINESS TAX RELIEF

SEC. 401. SHORT TITLE.

This title may be cited as the ''America's Small Business Tax Relief Act of 2014''.

SEC. 402. EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed—'' and all that follows and inserting ''shall not exceed $500,000.''.

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking ''exceeds—'' and all that follows and inserting ''exceeds $2,000,000.''.

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) of such Code is amended by striking '', to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2014'' and inserting ''and to which section 167 applies''.

(c) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended—

(1) by striking ''may not be revoked'' and all that follows through ''and before 2014'', and

(2) by striking ''IRREVOCABLE'' in the heading thereof.

(d) AIR CONDITIONING AND HEATING UNITS.—Paragraph (1) of section 179(d) of such Code is amended by striking ''and shall not include air conditioning or heating units''.

(e) QUALIFIED REAL PROPERTY.—Subsection (f) of section 179 of such Code is amended—

(1) by striking ''beginning in 2010, 2011, 2012, or 2013'' in paragraph (1), and

(2) by striking paragraphs (3) and (4).

(f) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of $10,000.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 403. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE V—S CORPORATION PERMANENT TAX RELIEF

SEC. 501. SHORT TITLE.

This title may be cited as the ''S Corporation Permanent Tax Relief Act of 2014''.

SEC. 502. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS OF S CORPORATIONS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase '5-year'.

''(B) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 503. PERMANENT RULE REGARDING BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Section 1367(a)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 504. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE VI—BONUS DEPRECIATION MODIFIED AND MADE PERMANENT

SEC. 601. BONUS DEPRECIATION MODIFIED AND MADE PERMANENT.

(a) MADE PERMANENT; INCLUSION OF QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(k)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(III) which is water utility property,

''(IV) which is qualified leasehold improvement property, or

''(V) which is qualified retail improvement property, and

''(ii) the original use of which commences with the taxpayer.

''(B) EXCEPTION FOR ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(ii) after application of section 280F(b) (relating to listed property with limited business use).

''(C) SPECIAL RULES.—

''(i) SALE-LEASEBACKS.—For purposes of clause (ii) and subparagraph (A)(ii), if property is—

''(I) originally placed in service by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(ii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

''(I) property is originally placed in service by the lessor of such property,

''(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

''(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

''(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $8,000.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(iii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the $8,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the automobile price inflation adjustment determined under section 280F(d)(7)(B)(i) for the calendar year in which such taxable year begins by substituting '2013' for '1987' in subclause (II) thereof.

If any increase under the preceding sentence is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

''(E) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under section 167 for qualified property shall be determined without regard to any adjustment under section 56.''.

(b) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—Section 168(k)(4) of such Code is amended to read as follows:

''(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply for any taxable year—

''(i) paragraphs (1)(A), (2)(D)(i), and (5)(A)(i) shall not apply for such taxable year,

''(ii) the applicable depreciation method used under this section with respect to any qualified property shall be the straight line method, and

''(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

''(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

''(I) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2013, or

''(II) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted net minimum tax for taxable years ending before January 1, 2014 (determined by treating credits as allowed on a first-in, first-out basis).

''(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(C) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(D) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph may be revoked only with the consent of the Secretary.

''(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation which is a partner in a partnership and which makes an election under subparagraph (A) for the taxable year, for purposes of determining such corporation's distributive share of partnership items under section 702 for such taxable year—

''(I) paragraphs (1)(A), (2)(D)(i), and (5)(A)(i) shall not apply, and

''(II) the applicable depreciation method used under this section with respect to any qualified property shall be the straight line method.

''(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by 1 corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall compute its bonus depreciation amount under clause (i) of subparagraph (B) by taking into account its distributive share of the amounts determined by the partnership under subclauses (I) and (II) of such clause for the taxable year of the partnership ending with or within the taxable year of the partner.''.

(c) SPECIAL RULES FOR TREES AND VINES BEARING FRUITS AND NUTS.—Section 168(k) of such Code is amended—

(1) by striking paragraph (5), and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR TREES AND VINES BEARING FRUITS AND NUTS.—

''(A) IN GENERAL.—In the case of any tree or vine bearing fruits or nuts which is planted, or is grafted to a plant that has already been planted, by the taxpayer in the ordinary course of the taxpayer's farming business (as defined in section 263A(e)(4))—

''(i) a depreciation deduction equal to 50 percent of the adjusted basis of such tree or vine shall be allowed under section 167(a) for the taxable year in which such tree or vine is so planted or grafted, and

''(ii) the adjusted basis of such tree or vine shall be reduced by the amount of such deduction.

''(B) ELECTION OUT.—If a taxpayer makes an election under this subparagraph for any taxable year, this paragraph shall not apply to any tree or vine planted or grafted during such taxable year. An election under this subparagraph may be revoked only with the consent of the Secretary.

''(C) ADDITIONAL DEPRECIATION MAY BE CLAIMED ONLY ONCE.—If this paragraph applies to any tree or vine, such tree or vine shall not be treated as qualified property in the taxable year in which placed in service.

''(D) COORDINATION WITH ELECTION TO ACCELERATE AMT CREDITS.—If a corporation makes an election under paragraph (4) for any taxable year, the amount under paragraph (4)(B)(i)(I) for such taxable year shall be increased by the amount determined under subparagraph (A)(i) for such taxable year.

''(E) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Rules similar to the rules of paragraph (2)(E) shall apply for purposes of this paragraph.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 168(e)(8) of such Code is amended by striking subparagraph (D).

(2) Section 168(k) of such Code is amended by adding at the end the following new paragraph:

''(6) ELECTION OUT.—If a taxpayer makes an election under this paragraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service (or, in the case of paragraph (5), planted or grafted) during such taxable year. An election under this paragraph may be revoked only with the consent of the Secretary.''.

(3) Section 168(l)(5) of such Code is amended by striking ''section 168(k)(2)(G)'' and inserting ''section 168(k)(2)(E)''.

(4) Section 263A(c) of such Code is amended by adding at the end the following new paragraph:

''(7) COORDINATION WITH SECTION 168(k)(5).—This section shall not apply to any amount allowable as a deduction by reason of section 168(k)(5) (relating to special rules for trees and vines bearing fruits and nuts).''.

(5) Section 460(c)(6)(B) of such Code is amended by striking ''which—'' and all that follows and inserting ''which has a recovery period of 7 years or less.''.

(6) Section 168(k) of such Code is amended by striking ''ACQUIRED AFTER DECEMBER 31, 2007, AND BEFORE JANUARY 1, 2014'' in the heading thereof.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2013.

(2) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

(A) IN GENERAL.—The amendment made by subsection (b) (other than so much of such amendment as relates to section 168(k)(4)(D)(iii) of such Code, as added by such amendment) shall apply to taxable years ending after December 31, 2013.

(B) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2014, and ending after December 31, 2013, the bonus depreciation amount determined under section 168(k)(4) of such Code for such year shall be the sum of—

(i) such amount determined without regard to the amendments made by this section and—

(I) by taking into account only property placed in service before January 1, 2014, and

(II) by multiplying the limitation under section 168(k)(4)(C)(ii) of such Code (determined without regard to the amendments made by this section) by a fraction the numerator of which is the number of days in the taxable year before January 1, 2014, and the denominator of which is the number of days in the taxable year, and

(ii) such amount determined after taking into account the amendments made by this section and—

(I) by taking into account only property placed in service after December 31, 2013, and

(II) by multiplying the limitation under section 168(k)(4)(B)(ii) of such Code (as amended by this section) by a fraction the numerator of which is the number of days in the taxable year after December 31, 2013, and the denominator of which is the number of days in the taxable year.

(3) SPECIAL RULES FOR CERTAIN TREES AND VINES.—The amendment made by subsection (c)(2) shall apply to trees and vines planted or grafted after December 31, 2013.

SEC. 602. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be

entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE VII—REPEAL OF MEDICAL DEVICE EXCISE TAX

SEC. 701. 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 December 31, 2012.

SEC. 702. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

DIVISION II—FINANCIAL SERVICES

TITLE I—SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Small Business Capital Access and Job Preservation Act''.

SEC. 102. REGISTRATION AND REPORTING EXEMPTIONS RELATING TO PRIVATE EQUITY FUNDS ADVISORS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

''(o) EXEMPTION OF AND REPORTING REQUIREMENTS BY PRIVATE EQUITY FUNDS ADVISORS.—

''(1) IN GENERAL.—Except as provided in this subsection, no investment adviser shall be subject to the registration or reporting requirements of this title with respect to the provision of investment advice relating to a private equity fund or funds, provided that each such fund has not borrowed and does not have outstanding a principal amount in excess of twice its invested capital commitments.

''(2) MAINTENANCE OF RECORDS AND ACCESS BY COMMISSION.—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules—

''(A) to require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission may require taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary and appropriate in the public interest and for the protection of investors; and

''(B) to define the term 'private equity fund' for purposes of this subsection.''.

TITLE II—SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2014''.

SEC. 202. REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.

Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

''(13) REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an M&A broker shall be exempt from registration under this section.

''(B) EXCLUDED ACTIVITIES.—An M&A broker is not exempt from registration under this paragraph if such broker does any of the following:

''(i) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transaction.

''(ii) Engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the Commission under section 12 or with respect to which the issuer files, or is required to file, periodic information, documents, and reports under subsection (d).

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit any other authority of the Commission to exempt any person, or any class of persons, from any provision of this title, or from any provision of any rule or regulation thereunder.

''(D) DEFINITIONS.—In this paragraph:

''(i) CONTROL.—The term 'control' means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control for any person who—

''(I) is a director, general partner, member or manager of a limited liability company, or officer exercising executive responsibility (or has similar status or functions);

''(II) has the right to vote 20 percent or more of a class of voting securities or the power to sell or direct the sale of 20 percent or more of a class of voting securities; or

''(III) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 20 percent or more of the capital.

''(ii) ELIGIBLE PRIVATELY HELD COMPANY.—The term 'eligible privately held company' means a company that meets both of the following conditions:

''(I) The company does not have any class of securities registered, or required to be registered, with the Commission under section 12 or with respect to which the company files, or is required to file, periodic information, documents, and reports under subsection (d).

''(II) In the fiscal year ending immediately before the fiscal year in which the services of the M&A broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):

''(aa) The earnings of the company before interest, taxes, depreciation, and amortization are less than $25,000,000.

''(bb) The gross revenues of the company are less than $250,000,000.

''(iii) M&A BROKER.—The term 'M&A broker' means a broker, and any person associated with a broker, engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether the broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the eligible privately held company, if the broker reasonably believes that—

''(I) upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert, will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and

''(II) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to the most recent year-end balance sheet, income statement, statement of changes in financial position, and statement of owner's equity of the issuer of the securities offered in exchange, and, if the financial statements of the issuer are audited, the related report of the independent auditor, a balance sheet dated not more than 120 days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingencies of the issuer.

''(E) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—On the date that is 5 years after the date of the enactment of the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2014, and every 5 years thereafter, each dollar amount in subparagraph (D)(ii)(II) shall be adjusted by—

''(I) dividing the annual value of the Employment Cost Index For Wages and Salaries, Private Industry Workers (or any successor index), as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index (or successor) for the calendar year ending December 31, 2012; and

''(II) multiplying such dollar amount by the quotient obtained under subclause (I).

''(ii) ROUNDING.—Each dollar amount determined under clause (i) shall be rounded to the nearest multiple of $100,000.''.

SEC. 203. EFFECTIVE DATE.

This title and any amendment made by this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

DIVISION III—OVERSIGHT

SUBDIVISION A—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

SEC. 101. SHORT TITLE.

This subdivision may be cited as the ''Unfunded Mandates Information and Transparency Act of 2014''.

SEC. 102. PURPOSE.

The purpose of this title is—

(1) to improve the quality of the deliberations of Congress with respect to proposed Federal mandates by—

(A) providing Congress and the public with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and State, local, and tribal governments.

SEC. 103. PROVIDING FOR CONGRESSIONAL BUDGET OFFICE STUDIES ON POLICIES INVOLVING CHANGES IN CONDITIONS OF GRANT AID.

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall conduct an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on State, local, or tribal governments participating in the Federal assistance program concerned or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of an estimated level of funding compared to such costs.''.

SEC. 104. CLARIFYING THE DEFINITION OF DIRECT COSTS TO REFLECT CONGRESSIONAL BUDGET OFFICE PRACTICE.

Section 421(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting ''incur or'' before ''be required''; and

(2) in subparagraph (B), by inserting after ''to spend'' the following: ''or could forgo in profits, including costs passed on to consumers or other entities taking into account, to the extent practicable, behavioral changes,''.

SEC. 105. EXPANDING THE SCOPE OF REPORTING REQUIREMENTS TO INCLUDE REGULATIONS IMPOSED BY INDEPENDENT REGULATORY AGENCIES.

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking '', but does not include independent regulatory agencies'' and inserting '', except it does not include the Board of Governors of the Federal Reserve System or the Federal Open Market Committee''.

SEC. 106. AMENDMENTS TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 103(c) (2 U.S.C. 1511(c))—

(A) in the subsection heading, by striking ''OFFICE OF MANAGEMENT AND BUDGET'' and inserting ''OFFICE OF INFORMATION AND REGULATORY AFFAIRS''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs'';

(2) in section 205(c) (2 U.S.C. 1535(c))—

(A) in the subsection heading, by striking ''OMB''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''; and

(3) in section 206 (2 U.S.C. 1536), by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''.

SEC. 107. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(2) by inserting ''or 424(b)(1)'' after ''section 424(a)(1)''.

SEC. 108. REGULATORY PROCESS AND PRINCIPLES.

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) is amended to read as follows:

''SEC. 201. REGULATORY PROCESS AND PRINCIPLES.

''(a) IN GENERAL.—Each agency shall, unless otherwise expressly prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulatory actions incorporate requirements specifically set forth in law) in accordance with the following principles:

''(1) Each agency shall identify the problem that it intends to address (including, if applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

''(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

''(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

''(4) If an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

''(5) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation, unless expressly prohibited by law, only upon a reasoned determination that the benefits of the intended regulation justify its costs.

''(6) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

''(7) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

''(8) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

''(9) Each agency shall tailor its regulations to minimize the costs of the cumulative impact of regulations.

''(10) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(b) REGULATORY ACTION DEFINED.—In this section, the term 'regulatory action' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking and notices of proposed rulemaking.''.

SEC. 109. EXPANDING THE SCOPE OF STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended to read as follows:

''(a) IN GENERAL.—Unless otherwise expressly prohibited by law, before promulgating any general notice of proposed rulemaking or any final rule, or within six months after promulgating any final rule that was not preceded by a general notice of proposed rulemaking, if the proposed rulemaking or final rule includes a Federal mandate that may result in an annual effect on State, local, or tribal governments, or to the private sector, in the aggregate of $100,000,000 or more in any 1 year, the agency shall prepare a written statement containing the following:

''(1) The text of the draft proposed rulemaking or final rule, together with a reasonably detailed description of the need for the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

''(2) An assessment of the potential costs and benefits of the proposed rulemaking or final rule, including an explanation of the manner in which the proposed rulemaking or final rule is consistent with a statutory requirement and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

''(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias).

''(4) A qualitative and quantitative assessment, including the underlying analysis, of costs anticipated from the proposed rulemaking or final rule (such as the direct costs both to the Government in administering the final rule and to businesses and others in complying with the final rule, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment).

''(5) Estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

''(A) the future compliance costs of the Federal mandate; and

''(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector.

''(6)(A) A detailed description of the extent of the agency's prior consultation with the private sector and elected representatives (under section 204) of the affected State, local, and tribal governments.

''(B) A detailed summary of the comments and concerns that were presented by the private sector and State, local, or tribal governments either orally or in writing to the agency.

''(C) A detailed summary of the agency's evaluation of those comments and concerns.

''(7) A detailed summary of how the agency complied with each of the regulatory principles described in section 201.''.

(b) REQUIREMENT FOR DETAILED SUMMARY.—Subsection (b) of section 202 of such Act is amended by inserting ''detailed'' before ''summary''.

SEC. 110. ENHANCED STAKEHOLDER CONSULTATION.

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

(1) in the section heading, by inserting ''**AND PRIVATE SECTOR**'' before ''**INPUT**'';

(2) in subsection (a)—

(A) by inserting '', and impacted parties within the private sector (including small business),'' after ''on their behalf)'';

(B) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(3) by amending subsection (c) to read as follows:

''(c) GUIDELINES.—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

''(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process.

''(2) Agencies shall consult with a wide variety of State, local, and tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.

''(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.

''(4) Agencies shall, to the extent practicable—

''(A) seek out the views of State, local, and tribal governments, and impacted parties within the private sector (including small business), on costs, benefits, and risks; and

''(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

''(5) Consultations shall address the cumulative impact of regulations on the affected entities.

''(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.''.

SEC. 111. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

''SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.

''(a) IN GENERAL.—The Administrator of the Office of Information and Regulatory Affairs shall provide meaningful guidance and oversight so that each agency's regulations for which a written statement is required under section 202 are consistent with the principles and requirements of this title, as well as other applicable laws, and do not conflict with the policies or actions of another agency. If the Administrator determines that an agency's regulations for which a written statement is required under section 202 do not comply with such principles and requirements, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall identify areas of non-compliance, notify the agency, and request that the agency comply before the agency finalizes the regulation concerned.

''(b) ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.—The Director of the Office of Information and Regulatory Affairs annually shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, a written report detailing compliance by each agency with the requirements of this title that relate to regulations for which a written statement is required by section 202, including activities undertaken at the request of the Director to improve compliance, during the preceding reporting period. The report shall also contain an appendix detailing compliance by each agency with section 204.''.

SEC. 112. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) by inserting after section 208 the following new section 209:

''SEC. 209. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

''(a) REQUIREMENT.—At the request of the chairman or ranking minority member of a standing or select committee of the House of Representatives or the Senate, an agency shall conduct a retrospective analysis of an existing Federal regulation promulgated by an agency.

''(b) REPORT.—Each agency conducting a retrospective analysis of existing Federal regulations pursuant to subsection (a) shall submit to the chairman of the relevant committee, Congress, and the Comptroller General a report containing, with respect to each Federal regulation covered by the analysis—

''(1) a copy of the Federal regulation;

''(2) the continued need for the Federal regulation;

''(3) the nature of comments or complaints received concerning the Federal regulation from the public since the Federal regulation was promulgated;

''(4) the extent to which the Federal regulation overlaps, duplicates, or conflicts with other Federal regulations, and, to the extent feasible, with State and local governmental rules;

''(5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the Federal regulation;

''(6) a complete analysis of the retrospective direct costs and benefits of the Federal regulation that considers studies done outside the Federal Government (if any) estimating such costs or benefits; and

''(7) any litigation history challenging the Federal regulation.''.

SEC. 113. EXPANSION OF JUDICIAL REVIEW.

Section 401(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1571(a)) is amended—

(1) in paragraphs (1) and (2)(A)—

(A) by striking ''sections 202 and 203(a)(1) and (2)'' each place it appears and inserting ''sections 201, 202, 203(a)(1) and (2), and 205(a) and (b)''; and

(B) by striking ''only'' each place it appears;

(2) in paragraph (2)(B), by striking ''section 202'' and all that follows through the period at the end and inserting the following: ''section 202, prepare the written plan under section 203(a)(1) and (2), or comply with section 205(a) and (b), a court may compel the agency to prepare such written statement, prepare such written plan, or comply with such section.''; and

(3) in paragraph (3), by striking ''written statement or plan is required'' and all that follows through ''shall not'' and inserting the following: ''written statement under section 202, a written plan under section 203(a)(1) and (2), or compliance with sections 201 and 205(a) and (b) is required, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement, or description), to prepare such written plan, or to comply with such section may''.

SUBDIVISION B—ACHIEVING LESS EXCESS IN REGULATION AND REQUIRING TRANSPARENCY

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

This subdivision may be cited as the ''Achieving Less Excess in Regulation and Requiring Transparency Act of 2014'' or as the ''ALERRT Act of 2014''.

TITLE I—ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''All Economic Regulations are Transparent Act of 2014'' or the ''ALERT Act of 2014''.

SEC. 102. OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES.

(a) AMENDMENT.—Title 5, United States Code, is amended by inserting after chapter 6, the following new chapter:

''CHAPTER 6A—OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES

''§ 651. Agency monthly submission to Office of Information and Regulatory Affairs

''On a monthly basis, the head of each agency shall submit to the Administrator of the Office of Information and Regulatory Affairs (referred to in this chapter as the 'Administrator'), in such a manner as the Administrator may reasonably require, the following information:

''(1) For each rule that the agency expects to propose or finalize during the following year:

''(A) A summary of the nature of the rule, including the regulation identifier number and the docket number for the rule.

''(B) The objectives of and legal basis for the issuance of the rule, including—

''(i) any statutory or judicial deadline; and

''(ii) whether the legal basis restricts or precludes the agency from conducting an analysis of the costs or benefits of the rule during the rule making, and if not, whether the agency plans to conduct an analysis of the costs or benefits of the rule during the rule making.

''(C) Whether the agency plans to claim an exemption from the requirements of section 553 pursuant to section 553(b)(B).

''(D) The stage of the rule making as of the date of submission.

''(E) Whether the rule is subject to review under section 610.

''(2) For any rule for which the agency expects to finalize during the following year and has issued a general notice of proposed rule making—

''(A) an approximate schedule for completing action on the rule;

''(B) an estimate of whether the rule will cost—

''(i) less than $50,000,000;

''(ii) $50,000,000 or more but less than $100,000,000;

''(iii) $100,000,000 or more but less than $500,000,000;

''(iv) $500,000,000 or more but less than $1,000,000,000;

''(v) $1,000,000,000 or more but less than $5,000,000,000;

''(vi) $5,000,000,000 or more but less than $10,000,000,000; or

''(vii) $10,000,000,000 or more; and

''(C) any estimate of the economic effects of the rule, including any estimate of the net effect that the rule will have on the number of jobs in the United States, that was considered in drafting the rule. If such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the rule has been considered.

''§ 652. Office of Information and Regulatory Affairs Publications

''(a) AGENCY-SPECIFIC INFORMATION PUBLISHED MONTHLY.—Not later than 30 days after the submission of information pursuant to section 651, the Administrator shall make such information publicly available on the Internet.

''(b) CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING PUBLISHED ANNUALLY.—

''(1) PUBLICATION IN THE FEDERAL REGISTER.—Not later than October 1 of each year, the Administrator shall publish in the Federal Register, for the previous year the following:

''(A) The information that the Administrator received from the head of each agency under section 651.

''(B) The number of rules and a list of each such rule—

''(i) that was proposed by each agency, including, for each such rule, an indication of whether the issuing agency conducted an analysis of the costs or benefits of the rule; and

''(ii) that was finalized by each agency, including for each such rule an indication of whether—

''(I) the issuing agency conducted an analysis of the costs or benefits of the rule;

''(II) the agency claimed an exemption from the procedures under section 553 pursuant to section 553(b)(B); and

''(III) the rule was issued pursuant to a statutory mandate or the rule making is committed to agency discretion by law.

''(C) The number of agency actions and a list of each such action taken by each agency that—

''(i) repealed a rule;

''(ii) reduced the scope of a rule;

''(iii) reduced the cost of a rule; or

''(iv) accelerated the expiration date of a rule.

''(D) The total cost (without reducing the cost by any offsetting benefits) of all rules proposed or finalized, and the number of rules for which an estimate of the cost of the rule was not available.

''(2) PUBLICATION ON THE INTERNET.—Not later than October 1 of each year, the Administrator shall make publicly available on the Internet the following:

''(A) The analysis of the costs or benefits, if conducted, for each proposed rule or final rule issued by an agency for the previous year.

''(B) The docket number and regulation identifier number for each proposed or final rule issued by an agency for the previous year.

''(C) The number of rules and a list of each such rule reviewed by the Director of the Office of Management and Budget for the previous year, and the authority under which each such review was conducted.

''(D) The number of rules and a list of each such rule for which the head of an agency completed a review under section 610 for the previous year.

''(E) The number of rules and a list of each such rule submitted to the Comptroller General under section 801.

''(F) The number of rules and a list of each such rule for which a resolution of disapproval was introduced in either the House of Representatives or the Senate under section 802.

''§ 653. Requirement for rules to appear in agency-specific monthly publication

''(a) IN GENERAL.—Subject to subsection (b), a rule may not take effect until the information required to be made publicly available on the Internet regarding such rule pursuant to section 652(a) has been so available for not less than 6 months.

''(b) EXCEPTIONS.—The requirement of subsection (a) shall not apply in the case of a rule—

''(1) for which the agency issuing the rule claims an exception under section 553(b)(B); or

''(2) which the President determines by Executive order should take effect because the rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''§ 654. Definitions

''In this chapter, the terms 'agency', 'agency action', 'rule', and 'rule making' have the meanings given those terms in section 551.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 5, the following:

''6. The Analysis of Regulatory Functions 601
''6A. Office of Information and Regulatory Affairs Publication of Information Relating to Rules ..... 651''.

(c) EFFECTIVE DATES.—

(1) AGENCY MONTHLY SUBMISSION TO THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—The first submission required pursuant to section 651 of title 5, United States Code, as added by subsection (a), shall be submitted not later than 30 days after the date of the enactment of this title, and monthly thereafter.

(2) CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING.—

(A) IN GENERAL.—Subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 60 days after the date of the enactment of this title.

(B) DEADLINE.—The first requirement to publish or make available, as the case may be, under subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall be the first October 1 after the effective date of such subsection.

(C) FIRST PUBLICATION.—The requirement under section 652(b)(2)(A) of title 5, United States Code, as added by subsection (a), shall include for the first publication, any analysis of the costs or benefits conducted for a proposed or final rule, for the 10 years before the date of the enactment of this title.

(3) REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION.—Section 653 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 8 months after the date of the enactment of this title.

TITLE II—REGULATORY ACCOUNTABILITY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Regulatory Accountability Act of 2014''.

SEC. 202. 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) '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;

''(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; or

''(D) significant impacts on multiple sectors of the economy;

''(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) 'negative-impact on jobs and wages rule' means any rule that the agency that made the rule or the Administrator of the Office of Information and Regulatory Affairs determines is likely to—

''(A) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

''(B) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce average weekly wages for employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

''(C) in any industry area (as such term is defined in the Current Population Survey conducted by the Bureau of Labor Statistics) in which the most recent annual unemployment rate for the industry area is greater than 5 percent, as determined by the Bureau of Labor Statistics in the Current Population Survey, reduce employment not related to new regulatory compliance during the first year after implementation; or

''(D) in any industry area in which the Bureau of Labor Statistics projects in the Occupational Employment Statistics program that the employment level will decrease by 1 percent or more, further reduce employment not related to new regulatory compliance during the first year after implementation;

''(18) '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;

''(19) '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;

''(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; or

''(D) significant impacts on multiple sectors of the economy;

''(20) the '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 pursuant to the Act; and

''(21) the '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. 203. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''.

(b) Section 553 of title 5, United States Code, is amended 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 factual 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 agency's jurisdiction), 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 in lieu 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 section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs (including an estimate of the net gain or loss in domestic jobs), wages, economic growth, innovation, and economic competitiveness;

''(B) 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, HIGH-IMPACT RULES, NEGATIVE-IMPACT ON JOBS AND WAGES RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule making for a major rule, a high-impact rule, a negative-impact on jobs and wages rule, or a rule that involves a novel legal or policy issue arising out of statutory mandates, 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. In publishing such advance notice, the agency shall—

''(1) include a written statement identifying, at a minimum—

''(A) 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;

''(B) 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;

''(C) preliminary information available to the agency concerning the other considerations specified in subsection (b);

''(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule; and

''(E) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

''(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

''(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

''(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which 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 but not limited to—

''(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);

''(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

''(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

''(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D);

''(ii) an additional statement of whether a rule is required by statute; and

''(iii) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

''(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 provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or 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 by electronic means and otherwise for the public's use when the notice of proposed rule making is published.

''(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and 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 it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making 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 by electronic means and otherwise 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), opportunity for oral presentation shall be provided pursuant to that requirement; or

''(B) when other than under subsection (e) of this section 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), the 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 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

''(4)(A) Within 30 days of 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 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 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) on the basis of the petition.

''(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) Whether, 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)), 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 of its 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, consequences of, and alternatives to 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 the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

''(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

''(A) a concise, general statement of the rule's basis and purpose;

''(B) 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 and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

''(C) 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));

''(D) 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 all costs to be considered under subsection (b)(6)) than the rule; or

''(ii) the agency's reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

''(E) 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—

''(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

''(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

''(F) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act;

''(G) the agency's reasoned final determination that the rule meets the objectives that the agency identified in subsection (d)(1)(E)(iii) or that other objectives are more appropriate in light of the full administrative record and the rule meets those objectives;

''(H) the agency's reasoned final determination that it did not deviate from the metrics the agency included in subsection (d)(1)(E)(iii) or that other metrics are more appropriate in light of the full administrative record and the agency did not deviate from those metrics;

''(I)(i) for any major rule, high-impact rule, or negative-impact on jobs and wages rule, the agency's plan for review of the rule no less than every ten 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; and

''(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title; and

''(J) for any negative-impact on jobs and wages rule, a statement that the head of the agency that made the rule approved the rule knowing about the findings and determination of the agency or the Administrator of the Office of Information and Regulatory Affairs that qualified the rule as a negative impact on jobs and wages rule.

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 no later than when the rule is adopted.

''(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

''(A) Subsections (c) through (e).

''(B) Paragraphs (1) through (3) of subsection (f).

''(C) Subparagraphs (B) through (H) of subsection (f)(4).

''(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 (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). 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 (d) 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 will 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 subsection (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.

''(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsection (c), (d), (e), or (f)(1)–(3) and (f)(4)(B)–(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

''(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 establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under 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 paragraph (1)(A) of this subsection.

''(2) The Administrator of the Office of Information and Regulatory Affairs shall also 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) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

''(A) 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 of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

''(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. 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 pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator's specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

''(l) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or 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) MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) 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. 204. 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 new section:

''§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

''(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, 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 (including any statutory deadlines for agency action);

''(B) summarizes the evidence and data on which the agency will base the guidance;

''(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

''(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a 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.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

''(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 by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency's governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(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, the law, its other regulations, or the regulations 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) CLERICAL 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 new item:

''553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.''.

SEC. 205. 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 shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. 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 pursuant to section 553(d)(4) or 553(e), the record for decision shall also 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) 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. 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. 206. 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: ''Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

''(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency's publication of an interim rule without compliance with section 553(c), (d), or (e) 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 section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.''.

SEC. 207. 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 designated by paragraph (1) of this section), by inserting after ''in accordance with law'' the following: ''(including the Information Quality Act)''; 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 556–557 of chapter 5 of this title to issue the interpretation;

''(2) determination of the costs and benefits or other economic or risk assessment of the 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);

''(3) determinations made in the adoption of an interim rule; or

''(4) guidance.

''(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. 208. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(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. 209. EFFECTIVE DATE.

The amendments made by this title to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title,

shall not apply to any rule makings pending or completed on the date of enactment of this title.

TITLE III—REGULATORY FLEXIBILITY IMPROVEMENTS ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Regulatory Flexibility Improvements Act of 2014''.

SEC. 302. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule pertaining to the protection of the rights of and benefits for veterans or a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect (including compliance costs and effects on revenue) on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting ''and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))),'' after ''special districts,''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULEMAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of the Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 303. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking '', and'' at the end and inserting '';'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.''.

SEC. 304. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available;

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities; and

''(8) describing any impairment of the ability of small entities to have access to credit.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting ''detailed'' before ''description'';

(C) in the second paragraph (6), by striking the period and inserting ''; and'';

(D) by redesignating the second paragraph (6) as paragraph (7); and

(E) by adding at the end the following:

''(8) a detailed description of any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement'' the first place it appears; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 305. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of this section, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of

whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking ''608(b),''.

(2) Section 611(a)(2) of such title is amended by striking ''608(b),''.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 306. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, an assessment of the proposed rule's impact on start-up costs for small entities, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) 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; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.

''(g) A small entity or a representative of a small entity may submit a request that the agency provide a copy of the report prepared under subsection (d) and all materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b). The agency receiving such request shall provide the report, materials and information to the requesting small entity or representative of a small entity not later than 10 business days after receiving such request, except that the agency shall not disclose any information that is prohibited from disclosure to the public pursuant to section 552(b) of this title.''.

SEC. 307. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of this section, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of this section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses (including small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such terms are defined in the Small Business Act)) for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) Each year, each agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. The agency shall include in the publication a solicitation of public comments on any further inclusions or exclusions of rules from the list, and shall respond to such comments. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant

economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 308. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 309. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 310. ESTABLISHMENT AND APPROVAL OF SMALL BUSINESS CONCERN SIZE STANDARDS BY CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Subparagraph (A) of section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—In addition to the criteria specified in paragraph (1)—

''(i) the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for purposes of this Act or the Small Business Investment Act of 1958; and

''(ii) the Chief Counsel for Advocacy may specify such definitions or standards for purposes of any other Act.''.

(b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of section 3(a)(2)(C) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(iii)) is amended to read as follows:

''(iii) except in the case of a size standard prescribed by the Administrator, is approved by the Chief Counsel for Advocacy.''.

(c) INDUSTRY VARIATION.—Paragraph (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is amended—

(1) by inserting ''or Chief Counsel for Advocacy, as appropriate'' before ''shall ensure''; and

(2) by inserting ''or Chief Counsel for Advocacy'' before the period at the end.

(d) JUDICIAL REVIEW OF SIZE STANDARDS APPROVED BY CHIEF COUNSEL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

''(9) JUDICIAL REVIEW OF STANDARDS APPROVED BY CHIEF COUNSEL.—In the case of an action for judicial review of a rule which includes a definition or standard approved by the Chief Counsel for Advocacy under this subsection, the party seeking such review shall be entitled to join the Chief Counsel as a party in such action.''.

SEC. 311. CLERICAL AMENDMENTS.

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) INCORPORATIONS BY REFERENCE AND CERTIFICATIONS.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.'';

and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) OTHER CLERICAL AMENDMENTS TO CHAPTER 6.—Chapter 6 of title 5, United States Code, is amended in section 603(d)—

(1) by striking paragraph (2);

(2) by striking ''(1) For a covered agency,'' and inserting ''For a covered agency,'';

(3) by striking ''(A) any'' and inserting ''(1) any'';

(4) by striking ''(B) any'' and inserting ''(2) any''; and

(5) by striking ''(C) advice'' and inserting ''(3) advice''.

SEC. 312. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

SEC. 313. COMPTROLLER GENERAL REPORT.

Not later than 90 days after the date of enactment of this title, the Comptroller General of the United States shall complete and publish a study that examines whether the Chief Counsel for Advocacy of the Small Business Administration has the capacity and resources to carry out the duties of the Chief Counsel under this title and the amendments made by this title.

TITLE IV—SUNSHINE FOR REGULATORY DECREES AND SETTLEMENTS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Sunshine for Regulatory Decrees and Settlements Act of 2014''.

SEC. 402. DEFINITIONS.

In this title—

(1) the terms ''agency'' and ''agency action'' have the meanings given those terms under section 551 of title 5, United States Code;

(2) the term ''covered civil action'' means a civil action—

(A) seeking to compel agency action;

(B) alleging that the agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government; and

(C) brought under—

(i) chapter 7 of title 5, United States Code; or

(ii) any other statute authorizing such an action;

(3) the term ''covered consent decree'' means—

(A) a consent decree entered into in a covered civil action; and

(B) any other consent decree that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government;

(4) the term ''covered consent decree or settlement agreement'' means a covered consent decree and a covered settlement agreement; and

(5) the term ''covered settlement agreement'' means—

(A) a settlement agreement entered into in a covered civil action; and

(B) any other settlement agreement that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government.

SEC. 403. CONSENT DECREE AND SETTLEMENT REFORM.

(a) PLEADINGS AND PRELIMINARY MATTERS.—

(1) IN GENERAL.—In any covered civil action, the agency against which the covered civil action is brought shall publish the notice of intent to sue and the complaint in a readily accessible manner, including by making the notice of intent to sue and the complaint available online not later than 15 days after receiving service of the notice of intent to sue or complaint, respectively.

(2) ENTRY OF A COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—A party may not make a motion for entry of a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement until after the end of proceedings in accordance with paragraph (1) and subparagraphs (A) and (B) of paragraph (2) of subsection (d) or subsection (d)(3)(A), whichever is later.

(b) INTERVENTION.—

(1) REBUTTABLE PRESUMPTION.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a person who alleges that the agency action in dispute would affect the person, the court shall presume, subject to rebuttal, that the interests of the person would not be represented adequately by the existing parties to the action.

(2) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a State, local, or tribal government, the court shall take due account of whether the movant—

(A) administers jointly with an agency that is a defendant in the action the statutory provisions that give rise to the regulatory action to which the action relates; or

(B) administers an authority under State, local, or tribal law that would be preempted by the regulatory action to which the action relates.

(c) SETTLEMENT NEGOTIATIONS.—Efforts to settle a covered civil action or otherwise reach an agreement on a covered consent decree or settlement agreement shall—

(1) be conducted pursuant to the mediation or alternative dispute resolution program of the court or by a district judge other than the presiding judge, magistrate judge, or special master, as determined appropriate by the presiding judge; and

(2) include any party that intervenes in the action.

(d) PUBLICATION OF AND COMMENT ON COVERED CONSENT DECREES OR SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days before the date on which a covered consent decree or settlement agreement is filed with a court, the agency seeking to enter the covered consent decree or settlement agreement shall publish in the Federal Register and online—

(A) the proposed covered consent decree or settlement agreement; and

(B) a statement providing—

(i) the statutory basis for the covered consent decree or settlement agreement; and

(ii) a description of the terms of the covered consent decree or settlement agreement, including whether it provides for the award of attorneys' fees or costs and, if so, the basis for including the award.

(2) PUBLIC COMMENT.—

(A) IN GENERAL.—An agency seeking to enter a covered consent decree or settlement agreement shall accept public comment during the period described in paragraph (1) on any issue relating to the matters alleged in the complaint in the applicable civil action or addressed or affected by the proposed covered consent decree or settlement agreement.

(B) RESPONSE TO COMMENTS.—An agency shall respond to any comment received under subparagraph (A).

(C) SUBMISSIONS TO COURT.—When moving that the court enter a proposed covered consent decree or settlement agreement or for dismissal pursuant to a proposed covered consent decree or settlement agreement, an agency shall—

(i) inform the court of the statutory basis for the proposed covered consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the comments received under subparagraph (A) and the response of the agency to the comments;

(iii) submit to the court a certified index of the administrative record of the notice and comment proceeding; and

(iv) make the administrative record described in clause (iii) fully accessible to the court.

(D) INCLUSION IN RECORD.—The court shall include in the court record for a civil action the certified index of the administrative record submitted by an agency under subparagraph (C)(iii) and any documents listed in the index which any party or amicus curiae appearing before the court in the action submits to the court.

(3) PUBLIC HEARINGS PERMITTED.—

(A) IN GENERAL.—After providing notice in the Federal Register and online, an agency may hold a public hearing regarding whether to enter into a proposed covered consent decree or settlement agreement.

(B) RECORD.—If an agency holds a public hearing under subparagraph (A)—

(i) the agency shall—

(I) submit to the court a summary of the proceedings;

(II) submit to the court a certified index of the hearing record; and

(III) provide access to the hearing record to the court; and

(ii) the full hearing record shall be included in the court record.

(4) MANDATORY DEADLINES.—If a proposed covered consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the covered consent decree or settlement agreement or dismissal based on the covered consent decree or settlement agreement, inform the court of—

(A) any required regulatory action the agency has not taken that the covered consent decree or settlement agreement does not address;

(B) how the covered consent decree or settlement agreement, if approved, would affect the discharge of the duties described in subparagraph (A); and

(C) why the effects of the covered consent decree or settlement agreement on the manner in which the agency discharges its duties is in the public interest.

(e) SUBMISSION BY THE GOVERNMENT.—

(1) IN GENERAL.—For any proposed covered consent decree or settlement agreement that contains a term described in paragraph (2), the Attorney General or, if the matter is being litigated independently by an agency, the head of the agency shall submit to the court a certification that the Attorney General or head of the agency approves the proposed covered consent decree or settlement agreement. The Attorney General or head of the agency shall personally sign any certification submitted under this paragraph.

(2) TERMS.—A term described in this paragraph is—

(A) in the case of a covered consent decree, a term that—

(i) converts into a nondiscretionary duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations;

(ii) commits an agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question;

(iii) commits an agency to seek a particular appropriation or budget authorization;

(iv) divests an agency of discretion committed to the agency by statute or the Constitution of the United States, without regard to whether the discretion was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(v) otherwise affords relief that the court could not enter under its own authority upon a final judgment in the civil action; or

(B) in the case of a covered settlement agreement, a term—

(i) that provides a remedy for a failure by the agency to comply with the terms of the covered settlement agreement other than the revival of the civil action resolved by the covered settlement agreement; and

(ii) that—

(I) interferes with the authority of an agency to revise, amend, or issue rules under the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or Executive order prescribing rulemaking procedures for a rulemaking that is the subject of the covered settlement agreement;

(II) commits the agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question; or

(III) for such a covered settlement agreement that commits the agency to exercise in a particular way discretion which was committed to the agency by statute or the Constitution of the United States to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(f) REVIEW BY COURT.—

(1) AMICUS.—A court considering a proposed covered consent decree or settlement agreement shall presume, subject to rebuttal, that it is proper to allow amicus participation relating to the covered consent decree or settlement agreement by any person who filed public comments or participated in a public hearing on the covered consent decree or settlement agreement under paragraph (2) or (3) of subsection (d).

(2) REVIEW OF DEADLINES.—

(A) PROPOSED COVERED CONSENT DECREES.—For a proposed covered consent decree, a court shall not approve the covered consent decree unless the proposed covered consent decree allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(B) PROPOSED COVERED SETTLEMENT AGREEMENTS.—For a proposed covered settlement agreement, a court shall ensure that the covered settlement agreement allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(g) ANNUAL REPORTS.—Each agency shall submit to Congress an annual report that, for the year covered by the report, includes—

(1) the number, identity, and content of covered civil actions brought against and

covered consent decrees or settlement agreements entered against or into by the agency; and

(2) a description of the statutory basis for—

(A) each covered consent decree or settlement agreement entered against or into by the agency; and

(B) any award of attorneys fees or costs in a civil action resolved by a covered consent decree or settlement agreement entered against or into by the agency.

SEC. 404. MOTIONS TO MODIFY CONSENT DECREES.

If an agency moves a court to modify a covered consent decree or settlement agreement and the basis of the motion is that the terms of the covered consent decree or settlement agreement are no longer fully in the public interest due to the obligations of the agency to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the covered consent decree or settlement agreement de novo.

SEC. 405. EFFECTIVE DATE.

This title shall apply to—

(1) any covered civil action filed on or after the date of enactment of this title; and

(2) any covered consent decree or settlement agreement proposed to a court on or after the date of enactment of this title.

DIVISION IV—JUDICIARY

TITLE I—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2014''.

SEC. 102. PURPOSE.

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them. Moreover, as a tax on carbon emissions increases energy costs on consumers, reduces economic growth and is therefore detrimental to individuals, families and businesses, the REINS Act includes in the definition of a major rule, any rule that implements or provides for the imposition or collection of a tax on carbon emissions.

SEC. 103. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B);

''(iv) a list of any other related regulatory actions taken by or that will be taken by the Federal agency promulgating the rule that are intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions;

''(v) a list of any other related regulatory actions taken by or that will be taken by any other Federal agency with authority to implement the same statutory provision or regulatory objective that are intended to implement such provision or objective, of which the Federal agency promulgating the rule is aware, as well as the individual and aggregate economic effects of those actions; and

''(vi) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within three legislative days; and

''(B) in the case of the Senate, within three session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds—

''(A) has resulted in or is likely to result in—

''(i) an annual effect on the economy of $50,000,000 or more;

''(ii) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(iii) 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; or

''(B) is made by the Administrator of the Environmental Protection Agency and that would have a significant impact on a substantial number of agricultural entities, as determined by the Secretary of Agriculture (who shall publish such determination in the Federal Register);

''(C) is a rule that implements or provides for the imposition or collection of a carbon tax; or

''(D) is made under the Patient Protection and Affordable Care Act (Public Law 111–148).

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.

''(5) The term 'submission date or publication date', except as otherwise provided in this chapter, means—

''(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

''(B) in the case of a nonmajor rule, the later of—

''(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

''(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

''(6) The term 'agricultural entity' means any entity involved in or related to agricultural enterprise, including enterprises that are engaged in the business of production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.

''(7) The term 'carbon tax' means a fee, levy, or price on—

''(A) emissions, including carbon dioxide emissions generated by the burning of coal, natural gas, or oil; or

''(B) coal, natural gas, or oil based on emissions, including carbon dioxide emissions that would be generated through the fuel's combustion.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 104. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 105. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains the findings of the study conducted under subsection (a).

TITLE II—PERMANENT INTERNET TAX FREEDOM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Permanent Internet Tax Freedom Act''.

SEC. 202. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking '' during the period beginning November 1, 2003, and ending November 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed after the date of the enactment of this Act.

DIVISION V—NATURAL RESOURCES

SUBDIVISION A—RESTORING HEALTHY FORESTS FOR HEALTHY COMMUNITIES

SEC. 100. SHORT TITLE.

This subdivision may be cited as the ''Restoring Healthy Forests for Healthy Communities Act''.

TITLE I—RESTORING THE COMMITMENT TO RURAL COUNTIES AND SCHOOLS

SEC. 101. PURPOSES.

The purposes of this title are as follows:

(1) To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land.

(2) To ensure that such counties have a dependable source of revenue from National Forest System land.

(3) To reduce Forest Service management costs while also ensuring the protection of United States forests resources.

SEC. 102. DEFINITIONS.

In this title:

(1) ANNUAL VOLUME REQUIREMENT.—

(A) IN GENERAL.—The term ''annual volume requirement'', with respect to a Forest Reserve Revenue Area, means a volume of national forest materials no less than 50 percent of the sustained yield of the Forest Reserve Revenue Area.

(B) EXCLUSIONS.—In determining the volume of national forest materials or the sustained yield of a Forest Reserve Revenue Area, the Secretary may not include noncommercial post and pole sales and personal use firewood.

(2) BENEFICIARY COUNTY.—The term ''beneficiary county'' means a political subdivision of a State that, on account of containing National Forest System land, was eligible to receive payments through the State under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.).

(3) CATASTROPHIC EVENT.—The term ''catastrophic event'' means an event (including severe fire, insect or disease infestations, windthrow, or other extreme weather or natural disaster) that the Secretary determines will cause or has caused substantial damage to National Forest System land or natural resources on National Forest System land.

(4) COVERED FOREST RESERVE PROJECT.—The terms ''covered forest reserve project'' and ''covered project'' mean a project involving the management or sale of national forest materials within a Forest Reserve Revenue Area to generate forest reserve revenues and achieve the annual volume requirement for the Forest Reserve Revenue Area.

(5) FOREST RESERVE REVENUE AREA.—

(A) IN GENERAL.—The term ''Forest Reserve Revenue Area'' means National Forest System land in a unit of the National Forest System designated for sustainable forest management for the production of national forest materials and forest reserve revenues.

(B) INCLUSIONS.—Subject to subparagraph (C), but otherwise notwithstanding any other provision of law, including executive orders and regulations, the Secretary shall include in Forest Reserve Revenue Areas not less than 50 percent of the National Forest System lands identified as commercial forest land capable of producing twenty cubic feet of timber per acre.

(C) EXCLUSIONS.—A Forest Reserve Revenue Area may not include National Forest System land—

(i) that is a component of the National Wilderness Preservation System;

(ii) on which the removal of vegetation is specifically prohibited by Federal statute; or

(iii) that is within a National Monument as of the date of the enactment of this Act.

(6) FOREST RESERVE REVENUES.—The term ''forest reserve revenues'' means revenues

derived from the sale of national forest materials in a Forest Reserve Revenue Area.

(7) NATIONAL FOREST MATERIALS.—The term ''national forest materials'' has the meaning given that term in section 14(e)(1) of the National Forest Management Act of 1976 (16 U.S.C. 472a(e)(1)).

(8) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(10) SUSTAINED YIELD.—The term ''sustained yield'' means the maximum annual growth potential of the forest calculated on the basis of the culmination of mean annual increment using cubic measurement.

(11) STATE.—The term ''State'' includes the Commonwealth of Puerto Rico.

(12) 25-PERCENT PAYMENT.—The term ''25-percent payment'' means the payment to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

SEC. 103. ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS AND ANNUAL VOLUME REQUIREMENTS.

(a) ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS.—Notwithstanding any other provision of law, the Secretary shall establish one or more Forest Reserve Revenue Areas within each unit of the National Forest System.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary shall complete establishment of the Forest Reserve Revenue Areas not later than 60 days after the date of enactment of this Act,

(c) PURPOSE.—The purpose of a Forest Reserve Revenue Area is to provide a dependable source of 25-percent payments and economic activity through sustainable forest management for each beneficiary county containing National Forest System land.

(d) FIDUCIARY RESPONSIBILITY.—The Secretary shall have a fiduciary responsibility to beneficiary counties to manage Forest Reserve Revenue Areas to satisfy the annual volume requirement.

(e) DETERMINATION OF ANNUAL VOLUME REQUIREMENT.—Not later than 30 days after the date of the establishment of a Forest Reserve Revenue Area, the Secretary shall determine the annual volume requirement for that Forest Reserve Revenue Area.

(f) LIMITATION ON REDUCTION OF FOREST RESERVE REVENUE AREAS.—Once a Forest Reserve Revenue Area is established under subsection (a), the Secretary may not reduce the number of acres of National Forest System land included in that Forest Reserve Revenue Area.

(g) MAP.—The Secretary shall provide a map of all Forest Reserve Revenue Areas established under subsection (a) for each unit of the National Forest System—

(1) to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives; and

(2) to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—Neither the establishment of Forest Reserve Revenue Areas under subsection (a) nor any other provision of this title shall be construed to limit or restrict—

(1) access to National Forest System land for hunting, fishing, recreation, and other related purposes; or

(2) valid and existing rights regarding National Forest System land, including rights of any federally recognized Indian tribe.

SEC. 104. MANAGEMENT OF FOREST RESERVE REVENUE AREAS.

(a) REQUIREMENT TO ACHIEVE ANNUAL VOLUME REQUIREMENT.—Immediately upon the establishment of a Forest Reserve Revenue Area, the Secretary shall manage the Forest Reserve Revenue Area in the manner necessary to achieve the annual volume requirement for the Forest Reserve Revenue Area. The Secretary is authorized and encouraged to commence covered forest reserve projects as soon as practicable after the date of the enactment of this Act to begin generating forest reserve revenues.

(b) STANDARDS FOR PROJECTS WITHIN FOREST RESERVE REVENUE AREAS.—The Secretary shall conduct covered forest reserve projects within Forest Reserve Revenue Areas in accordance with this section, which shall serve as the sole means by which the Secretary will comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and other laws applicable to the covered projects.

(c) ENVIRONMENTAL ANALYSIS PROCESS FOR PROJECTS IN FOREST RESERVE REVENUE AREAS.—

(1) ENVIRONMENTAL ASSESSMENT.—The Secretary shall give published notice and complete an environmental assessment pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a covered forest reserve project proposed to be conducted within a Forest Reserve Revenue Area, except that the Secretary is not required to study, develop, or describe any alternative to the proposed agency action.

(2) CUMULATIVE EFFECTS.—The Secretary shall consider cumulative effects solely by evaluating the impacts of a proposed covered forest reserve project combined with the impacts of any other projects that were approved with a Decision Notice or Record of Decision before the date on which the Secretary published notice of the proposed covered project. The cumulative effects of past projects may be considered in the environmental assessment by using a description of the current environmental conditions.

(3) LENGTH.—The environmental assessment prepared for a proposed covered forest reserve project shall not exceed 100 pages in length. The Secretary may incorporate in the environmental assessment, by reference, any documents that the Secretary determines, in the sole discretion of the Secretary, are relevant to the assessment of the environmental effects of the covered project.

(4) DEADLINE FOR COMPLETION.—The Secretary shall complete the environmental assessment for a covered forest reserve project within 180 days after the date on which the Secretary published notice of the proposed covered project.

(5) TREATMENT OF DECISION NOTICE.—The decision notice for a covered forest reserve project shall be considered a final agency action and no additional analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall be required to implement any portion of the covered project.

(6) CATEGORICAL EXCLUSION.—A covered forest reserve project that is proposed in response to a catastrophic event, that covers an area of 10,000 acres or less, or an eligible hazardous fuel reduction or forest health project proposed under title II that involves the removal of insect-infected trees, dead or dying trees, trees presenting a threat to public safety, or other hazardous fuels within 500 feet of utility or telephone infrastructure, campgrounds, roadsides, heritage sites, recreation sites, schools, or other infrastructure, shall be categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(d) APPLICATION OF LAND AND RESOURCE MANAGEMENT PLAN.—The Secretary may modify the standards and guidelines contained in the land and resource management plan for the unit of the National Forest System in which the covered forest reserve project will be carried out as necessary to achieve the requirements of this subdivision. Section 6(g)(3)(E)(iv) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(E)(iv)) shall not apply to a covered forest reserve project.

(e) COMPLIANCE WITH ENDANGERED SPECIES ACT.—

(1) NON-JEOPARDY ASSESSMENT.—If the Secretary determines that a proposed covered forest reserve project may affect the continued existence of any species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), the Secretary shall issue a determination explaining the view of the Secretary that the proposed covered project is not likely to jeopardize the continued existence of the species.

(2) SUBMISSION, REVIEW, AND RESPONSE.—

(A) SUBMISSION.—The Secretary shall submit a determination issued by the Secretary under paragraph (1) to the Secretary of the Interior or the Secretary of Commerce, as appropriate.

(B) REVIEW AND RESPONSE.—Within 30 days after receiving a determination under subparagraph (A), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall provide a written response to the Secretary concurring in or rejecting the Secretary's determination. If the Secretary of the Interior or the Secretary of Commerce rejects the determination, the written response shall include recommendations for measures that—

(i) will avoid the likelihood of jeopardy to an endangered or threatened species;

(ii) can be implemented in a manner consistent with the intended purpose of the covered forest reserve project;

(iii) can be implemented consistent with the scope of the Secretary's legal authority and jurisdiction; and

(iv) are economically and technologically feasible.

(3) FORMAL CONSULTATION.—If the Secretary of the Interior or the Secretary of Commerce rejects a determination issued by the Secretary under paragraph (1), the Secretary of the Interior or the Secretary of Commerce also is required to engage in formal consultation with the Secretary. The Secretaries shall complete such consultation pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) within 90 days after the submission of the written response under paragraph (2).

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) ADMINISTRATIVE REVIEW.—Administrative review of a covered forest reserve project shall occur only in accordance with the special administrative review process established under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515).

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—Judicial review of a covered forest reserve project shall occur in accordance with section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516), except that a court of the United States may not issue a restraining order, preliminary injunction, or injunction pending appeal covering a covered forest reserve project in response to an allegation that the Secretary

violated any procedural requirement applicable to how the project was selected, planned, or analyzed.

(B) BOND REQUIRED.—A plaintiff challenging a covered forest reserve project shall be required to post a bond or other security acceptable to the court for the reasonably estimated costs, expenses, and attorneys fees of the Secretary as defendant. All proceedings in the action shall be stayed until the security is given. If the plaintiff has not complied with the order to post such bond or other security within 90 days after the date of service of the order, then the action shall be dismissed with prejudice.

(C) RECOVERY.—If the Secretary prevails in the case, the Secretary shall submit to the court a motion for payment of all litigation expenses.

(g) USE OF ALL-TERRAIN VEHICLES FOR MANAGEMENT ACTIVITIES.—The Secretary may allow the use of all-terrain vehicles within the Forest Reserve Revenue Areas for the purpose of activities associated with the sale of national forest materials in a Forest Reserve Revenue Area.

SEC. 105. DISTRIBUTION OF FOREST RESERVE REVENUES.

(a) 25-PERCENT PAYMENTS.—The Secretary shall use forest reserve revenues generated by a covered forest reserve project to make 25-percent payments to States for the benefit of beneficiary counties.

(b) DEPOSIT IN KNUTSON-VANDENBERG AND SALVAGE SALE FUNDS.—After compliance with subsection (a), the Secretary shall use forest reserve revenues to make deposits into the fund established under section 3 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly known as the Knutson-Vandenberg Fund) and the fund established under section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h); commonly known as the salvage sale fund) in contributions equal to the monies otherwise collected under those Acts for projects conducted on National Forest System land.

(c) DEPOSIT IN GENERAL FUND OF THE TREASURY.—After compliance with subsections (a) and (b), the Secretary shall deposit remaining forest reserve revenues into the general fund of the Treasury.

SEC. 106. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to Congress an annual report specifying the annual volume requirement in effect for that fiscal year for each Forest Reserve Revenue Area, the volume of board feet actually harvested for each Forest Reserve Revenue Area, the average cost of preparation for timber sales, the forest reserve revenues generated from such sales, and the amount of receipts distributed to each beneficiary county.

(b) FORM OF REPORT.—The information required by subsection (a) to be provided with respect to a Forest Reserve Revenue Area shall be presented on a single page. In addition to submitting each report to Congress, the Secretary shall also make the report available on the website of the Forest Service.

TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC WILDFIRE PREVENTION

SEC. 201. PURPOSES.

The purposes of this title are as follows:

(1) To provide the Secretary of Agriculture and the Secretary of the Interior with the tools necessary to reduce the potential for wildfires.

(2) To expedite wildfire prevention projects to reduce the chances of wildfire on certain high-risk Federal lands.

(3) To protect communities and forest habitat from uncharacteristic wildfires.

(4) To enhance aquatic conditions and terrestrial wildlife habitat.

(5) To restore diverse and resilient landscapes through improved forest conditions.

SEC. 202. DEFINITIONS.

In this title:

(1) AT-RISK COMMUNITY.—The term ''at-risk community'' has the meaning given that term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(2) AT-RISK FOREST.—The term ''at-risk forest'' means—

(A) Federal land in condition class II or III, as those classes were developed by the Forest Service Rocky Mountain Research Station in the general technical report titled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87) and dated April 2000 or any subsequent revision of the report; or

(B) Federal land where there exists a high risk of losing an at-risk community, key ecosystem, water supply, wildlife, or wildlife habitat to wildfire, including catastrophic wildfire and post-fire disturbances, as designated by the Secretary concerned.

(3) FEDERAL LAND.—

(A) COVERED LAND.—The term ''Federal land'' means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))); or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUDED LAND.—The term does not include land—

(i) that is a component of the National Wilderness Preservation System;

(ii) on which the removal of vegetation is specifically prohibited by Federal statute; or

(iii) that is within a National Monument as of the date of the enactment of this Act.

(4) HIGH-RISK AREA.—The term ''high-risk area'' means an area of Federal land identified under section 205 as an area suffering from the bark beetle epidemic, drought, or deteriorating forest health conditions, with the resulting imminent risk of devastating wildfires, or otherwise at high risk for bark beetle infestation, drought, or wildfire.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, in the case of National Forest System land; and

(B) the Secretary of the Interior, in the case of public lands.

(6) ELIGIBLE HAZARDOUS FUEL REDUCTION AND FOREST HEALTH PROJECTS.—The terms ''hazardous fuel reduction project'' or ''forest health project'' mean the measures and methods developed for a project to be carried out on Federal land—

(A) in an at-risk forest under section 203 for hazardous fuels reduction, forest health, forest restoration, or watershed restoration, using ecological restoration principles consistent with the forest type where such project will occur; or

(B) in a high-risk area under section 206.

SEC. 203. HAZARDOUS FUEL REDUCTION PROJECTS AND FOREST HEALTH PROJECTS IN AT-RISK FORESTS.

(a) IMPLEMENTATION.—As soon as practicable after the date of the enactment of this Act, the Secretary concerned is authorized to implement a hazardous fuel reduction project or a forest health project in at-risk forests in a manner that focuses on surface, ladder, and canopy fuels reduction activities using ecological restoration principles consistent with the forest type in the location where such project will occur.

(b) AUTHORIZED PRACTICES.—

(1) INCLUSION OF LIVESTOCK GRAZING AND TIMBER HARVESTING.—A hazardous fuel reduction project or a forest health project may include livestock grazing and timber harvest projects carried out for the purposes of hazardous fuels reduction, forest health, forest restoration, watershed restoration, or threatened and endangered species habitat protection or improvement, if the management action is consistent with achieving long-term ecological restoration of the forest type in the location where such project will occur.

(2) GRAZING.—Domestic livestock grazing may be used in a hazardous fuel reduction project or a forest health project to reduce surface fuel loads and to recover burned areas. Utilization standards shall not apply when domestic livestock grazing is used in such a project.

(3) TIMBER HARVESTING AND THINNING.—Timber harvesting and thinning, where the ecological restoration principles are consistent with the forest type in the location where such project will occur, may be used in a hazardous fuel reduction project or a forest health project to reduce ladder and canopy fuel loads to prevent unnatural fire.

(c) PRIORITY.—The Secretary concerned shall give priority to hazardous fuel reduction projects and forest health projects submitted by the Governor of a State as provided in section 206(c) and to projects submitted under the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a).

SEC. 204. ENVIRONMENTAL ANALYSIS.

Subsections (b) through (f) of section 104 shall apply to the implementation of a hazardous fuel reduction project or a forest health project under this title. In addition, if the primary purpose of a hazardous fuel reduction project or a forest health project under this title is the salvage of dead, damaged, or down timber resulting from wildfire occurring in 2013 or 2014, the hazardous fuel reduction project or forest health project, and any decision of the Secretary concerned in connection with the project, shall not be subject to judicial review or to any restraining order or injunction issued by a United States court.

SEC. 205. STATE DESIGNATION OF HIGH-RISK AREAS OF NATIONAL FOREST SYSTEM AND PUBLIC LANDS.

(a) DESIGNATION AUTHORITY.—The Governor of a State may designate high-risk areas of Federal land in the State for the purposes of addressing—

(1) deteriorating forest health conditions in existence as of the date of the enactment of this Act due to the bark beetle epidemic or drought, with the resulting imminent risk of devastating wildfires; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

(b) CONSULTATION.—In designating high-risk areas, the Governor of a State shall consult with county government from affected counties and with affected Indian tribes.

(c) EXCLUSION OF CERTAIN AREAS.—The following Federal land may not be designated as a high-risk area:

(1) A component of the National Wilderness Preservation System.

(2) Federal land on which the removal of vegetation is specifically prohibited by Federal statute.

(3) Federal land within a National Monument as of the date of the enactment of this Act.

(d) STANDARDS FOR DESIGNATION.—Designation of high-risk areas shall be consistent with standards and guidelines contained in the land and resource management plan or land use plan for the unit of Federal land for which the designation is being made, except that the Secretary concerned may modify

such standards and guidelines to correspond with a specific high-risk area designation.

(e) TIME FOR INITIAL DESIGNATIONS.—The first high-risk areas should be designated not later than 60 days after the date of the enactment of this Act, but high-risk areas may be designated at any time consistent with subsection (a).

(f) DURATION OF DESIGNATION.—The designation of a high-risk area in a State shall expire 20 years after the date of the designation, unless earlier terminated by the Governor of the State.

(g) REDESIGNATION.—The expiration of the 20-year period specified in subsection (f) does not prohibit the Governor from redesignating an area of Federal land as a high-risk area under this section if the Governor determines that the Federal land continues to be subject to the terms of this section.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—The designation of a high-risk area shall not be construed to limit or restrict—

(1) access to Federal land included in the area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding the Federal land.

SEC. 206. USE OF HAZARDOUS FUELS REDUCTION OR FOREST HEALTH PROJECTS FOR HIGH-RISK AREAS.

(a) PROJECT PROPOSALS.—

(1) PROPOSALS AUTHORIZED.—Upon designation of a high-risk area in a State, the Governor of the State may provide for the development of proposed hazardous fuel reduction projects or forest health projects for the high-risk area.

(2) PROJECT CRITERIA.—In preparing a proposed hazardous fuel reduction project or a forest health project, the Governor of a State and the Secretary concerned shall—

(A) take into account managing for rights of way, protection of watersheds, protection of wildlife and endangered species habitat, safe-guarding water resources, and protecting at-risk communities from wildfires; and

(B) emphasize activities that thin the forest to provide the greatest health and longevity of the forest.

(b) CONSULTATION.—In preparing a proposed hazardous fuel reduction project or a forest health project, the Governor of a State shall consult with county government from affected counties, and with affected Indian tribes.

(c) SUBMISSION AND IMPLEMENTATION.—The Governor of a State shall submit proposed emergency hazardous fuel reduction projects and forest health projects to the Secretary concerned for implementation as provided in section 203.

SEC. 207. MORATORIUM ON USE OF PRESCRIBED FIRE IN MARK TWAIN NATIONAL FOREST, MISSOURI, PENDING REPORT.

(a) MORATORIUM.—Except as provided in subsection (b), the Secretary of Agriculture may not conduct any prescribed fire in Mark Twain National Forest, Missouri, under the Collaborative Forest Landscape Restoration Project until the report required by subsection (c) is submitted to Congress.

(b) EXCEPTION FOR WILDFIRE SUPPRESSION.—Subsection (a) does not prohibit the use of prescribed fire as part of wildfire suppression activities.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing an evaluation of recent and current Forest Service management practices for Mark Twain National Forest, including lands in the National Forest enrolled, or under consideration for enrollment, in the Collaborative Forest Landscape Restoration Project to convert certain lands into shortleaf pine-oak woodlands, to determine the impact of such management practices on forest health and tree mortality. The report shall specifically address—

(1) the economic costs associated with the failure to utilize hardwoods cut as part of the Collaborative Forest Landscape Restoration Project and the subsequent loss of hardwood production from the treated lands in the long term;

(2) the extent of increased tree mortality due to excessive heat generated by prescribed fires;

(3) the impacts to water quality and rate of water run off due to erosion of the scorched earth left in the aftermath of the prescribed fires; and

(4) a long-term plan for evaluation of the impacts of prescribed fires on lands previously burned within the Eleven Point Ranger District.

TITLE III—OREGON AND CALIFORNIA RAILROAD GRANT LANDS TRUST, CONSERVATION, AND JOBS

SEC. 301. SHORT TITLE.

This title may be cited as the ''O&C Trust, Conservation, and Jobs Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) AFFILIATES.—The term ''Affiliates'' has the meaning given such term in part 121 of title 13, Code of Federal Regulations.

(2) BOARD OF TRUSTEES.—The term ''Board of Trustees'' means the Board of Trustees for the Oregon and California Railroad Grant Lands Trust appointed under section 313.

(3) COOS BAY WAGON ROAD GRANT LANDS.—The term ''Coos Bay Wagon Road Grant lands'' means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(4) FISCAL YEAR.—The term ''fiscal year'' means the Federal fiscal year, October 1 through the next September 30.

(5) GOVERNOR.—The term ''Governor'' means the Governor of the State of Oregon.

(6) O&C REGION PUBLIC DOMAIN LANDS.—The term ''O&C Region Public Domain lands'' means all the land managed by the Bureau of Land Management in the Salem District, Eugene District, Roseburg District, Coos Bay District, and Medford District in the State of Oregon, excluding the Oregon and California Railroad Grant lands and the Coos Bay Wagon Road Grant lands.

(7) O&C TRUST.—The terms ''Oregon and California Railroad Grant Lands Trust'' and ''O&C Trust'' mean the trust created by section 311, which has fiduciary responsibilities to act for the benefit of the O&C Trust counties in the management of O&C Trust lands.

(8) O&C TRUST COUNTY.—The term ''O&C Trust county'' means each of the 18 counties in the State of Oregon that contained a portion of the Oregon and California Railroad Grant lands as of January 1, 2013, each of which are beneficiaries of the O&C Trust.

(9) O&C TRUST LANDS.—The term ''O&C Trust lands'' means the surface estate of the lands over which management authority is transferred to the O&C Trust pursuant to section 311(c)(1). The term does not include any of the lands excluded from the O&C Trust pursuant to section 311(c)(2), transferred to the Forest Service under section 321, or Tribal lands transferred under subtitle D.

(10) OREGON AND CALIFORNIA RAILROAD GRANT LANDS.—The term ''Oregon and California Railroad Grant lands'' means the following lands:

(A) All lands in the State of Oregon revested in the United States under the Act of June 9, 1916 (39 Stat. 218), regardless of whether the lands are—

(i) administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1181a); or

(ii) administered by the Secretary of Agriculture as part of the National Forest System pursuant to the first section of the Act of June 24, 1954 (43 U.S.C. 1181g).

(B) All lands in the State obtained by the Secretary of the Interior pursuant to the land exchanges authorized and directed by section 2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

(C) All lands in the State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(11) RESERVE FUND.—The term ''Reserve Fund'' means the reserve fund created by the Board of Trustees under section 315(b).

(12) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Oregon and California Railroad Grant lands that are transferred to the management authority of the O&C Trust and, immediately before such transfer, were managed by the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to Oregon and California Railroad Grant lands that—

(i) are transferred to the management authority of the O&C Trust and, immediately before such transfer, were part of the National Forest System; or

(ii) are transferred to the Forest Service under section 321.

(13) STATE.—The term ''State'' means the State of Oregon.

(14) TRANSITION PERIOD.—The term ''transition period'' means the three fiscal-year period specified in section 331 following the appointment of the Board of Trustees during which—

(A) the O&C Trust is created; and

(B) interim funding of the O&C Trust is secured.

(15) TRIBAL LANDS.—The term ''Tribal lands'' means any of the lands transferred to the Cow Creek Band of the Umpqua Tribe of Indians or the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians under subtitle D.

Subtitle A—Trust, Conservation, and Jobs

CHAPTER 1—CREATION AND TERMS OF O&C TRUST

SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF O&C TRUST LANDS.

(a) CREATION.—The Oregon and California Railroad Grant Lands Trust is established effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees. As management authority over the surface of estate of the O&C Trust lands is transferred to the O&C Trust during the transition period pursuant to section 331, the transferred lands shall be held in trust for the benefit of the O&C Trust counties.

(b) TRUST PURPOSE.—The purpose of the O&C Trust is to produce annual maximum sustained revenues in perpetuity for O&C Trust counties by managing the timber resources on O&C Trust lands on a sustained-yield basis subject to the management requirements of section 314.

(c) DESIGNATION OF O&C TRUST LANDS.—

(1) LANDS INCLUDED.—Except as provided in paragraph (2), the O&C Trust lands shall include all of the lands containing the stands of timber described in subsection (d) that are located, as of January 1, 2013, on Oregon and California Railroad Grant lands and O&C Region Public Domain lands.

(2) LANDS EXCLUDED.—O&C Trust lands shall not include any of the following Oregon and California Railroad Grant lands and O&C

Region Public Domain lands (even if the lands are otherwise described in subsection (d)):

(A) Federal lands within the National Landscape Conservation System as of January 1, 2013.

(B) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.

(C) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.

(D) Federal lands included in the National Wild and Scenic Rivers System of January 1, 2013.

(E) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(F) Oregon treasures addressed in subtitle C, any portion of which, as of January 1, 2013, consists of Oregon and California Railroad Grant lands or O&C Region Public Domain lands.

(G) Tribal lands addressed in subtitle D.

(d) COVERED STANDS OF TIMBER.—

(1) DESCRIPTION.—The O&C Trust lands consist of stands of timber that have previously been managed for timber production or that have been materially altered by natural disturbances since 1886. Most of these stands of timber are 80 years old or less, and all of such stands can be classified as having a predominant stand age of 125 years or less.

(2) DELINEATION OF BOUNDARIES BY BUREAU OF LAND MANAGEMENT.—The Oregon and California Railroad Grant lands and O&C Region Public Domain lands that, immediately before transfer to the O&C Trust, were managed by the Bureau of Land Management are timber stands that have predominant birth date attributes of 1886 or later, with boundaries that are defined by polygon spatial data layer in and electronic data compilation filed by the Bureau of Land Management pursuant to paragraph (4). Except as provided in paragraph (5), the boundaries of all timber stands constituting the O&C Trust lands are finally and conclusively determined for all purposes by coordinates in or derived by reference to the polygon spatial data layer prepared by the Bureau of Land Management and filed pursuant to paragraph (4), notwithstanding anomalies that might later be discovered on the ground. The boundary coordinates are locatable on the ground by use of global positioning system signals. In cases where the location of the stand boundary is disputed or is inconsistent with paragraph (1), the location of boundary coordinates on the ground shall be, except as otherwise provided in paragraph (5), finally and conclusively determined for all purposes by the direct or indirect use of global positioning system equipment with accuracy specification of one meter or less.

(3) DELINEATION OF BOUNDARIES BY FOREST SERVICE.—The O&C Trust lands that, immediately before transfer to the O&C Trust, were managed by the Forest Service are timber stands that can be classified as having predominant stand ages of 125 years old or less. Within 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall commence identification of the boundaries of such stands, and the boundaries of all such stands shall be identified and made available to the Board of Trustees not later than 180 days following the creation of the O&C Trust pursuant to subsection (a). In identifying the stand boundaries, the Secretary may use geographic information system data, satellite imagery, cadastral survey coordinates, or any other means available within the time allowed. The boundaries shall be provided to the Board of Trustees within the time allowed in the form of a spatial data layer from which coordinates can be derived that are locatable on the ground by use of global positioning system signals. Except as provided in paragraph (5), the boundaries of all timber stands constituting the O&C Trust lands are finally and conclusively determined for all purposes by coordinates in or derived by reference to the data provided by the Secretary within the time provided by this paragraph, notwithstanding anomalies that might later be discovered on the ground. In cases where the location of the stand boundary is disputed or inconsistent with paragraph (1), the location of boundary coordinates on the ground shall be, except as otherwise provided in paragraph (5), finally and conclusively determined for all purposes by the boundary coordinates provided by the Secretary as they are located on the ground by the direct or indirect use of global positioning system equipment with accuracy specifications of one meter or less. All actions taken by the Secretary under this paragraph shall be deemed to not involve Federal agency action or Federal discretionary involvement or control.

(4) DATA AND MAPS.—Copies of the data containing boundary coordinates for the stands included in the O&C Trust lands, or from which such coordinates are derived, and maps generally depicting the stand locations shall be filed with the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the office of the Secretary concerned. The maps and data shall be filed—

(A) not later than 90 days after the date of the enactment of this Act, in the case of the lands identified pursuant to paragraph (2); and

(B) not later than 180 days following the creation of the O&C Trust pursuant to subsection (a), in the case of lands identified pursuant to paragraph (3).

(5) ADJUSTMENT AUTHORITY AND LIMITATIONS.—

(A) NO IMPACT ON DETERMINING TITLE OR PROPERTY OWNERSHIP BOUNDARIES.—Stand boundaries identified under paragraph (2) or (3) shall not be relied upon for purposes of determining title or property ownership boundaries. If the boundary of a stand identified under paragraph (2) or (3) extends beyond the property ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands, as such property boundaries exist on the date of enactment of this Act, then that stand boundary is deemed adjusted by this subparagraph to coincide with the property ownership boundary.

(B) EFFECT OF DATA ERRORS OR INCONSISTENCIES.—Data errors or inconsistencies may result in parcels of land along property ownership boundaries that are unintentionally omitted from the O&C Trust lands that are identified under paragraph (2) or (3). In order to correct such errors, any parcel of land that satisfies all of the following criteria is hereby deemed to be O&C Trust land:

(i) The parcel is within the ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands on the date of the enactment of this Act.

(ii) The parcel satisfies the description in paragraph (1) on the date of enactment of this Act.

(iii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(C) NO IMPACT ON LAND EXCHANGE AUTHORITY.—Nothing in this subsection is intended to limit the authority of the Trust and the Forest Service to engage in land exchanges between themselves or with owners of non-Federal land as provided elsewhere in this title.

SEC. 312. LEGAL EFFECT OF O&C TRUST AND JUDICIAL REVIEW.

(a) LEGAL STATUS OF TRUST LANDS.—Subject to the other provisions of this section, all right, title, and interest in and to the O&C Trust lands remain in the United States, except that—

(1) the Board of Trustees shall have all authority to manage the surface estate of the O&C Trust lands and the resources found thereon;

(2) actions on the O&C Trust lands shall be deemed to involve no Federal agency action or Federal discretionary involvement or control and the laws of the State shall apply to the surface estate of the O&C Trust lands in the manner applicable to privately owned timberlands in the State; and

(3) the O&C Trust shall be treated as the beneficial owner of the surface estate of the O&C Trust lands for purposes of all legal proceedings involving the O&C Trust lands.

(b) MINERALS.—

(1) IN GENERAL.—Mineral and other subsurface rights in the O&C Trust lands are retained by the United States or other owner of such rights as of the date on which management authority over the surface estate of the lands are transferred to the O&C Trust.

(2) ROCK AND GRAVEL.—

(A) USE AUTHORIZED; PURPOSE.—For maintenance or construction on the road system under the control of the O&C Trust or for non-Federal lands intermingled with O&C Trust lands, the Board of Trustees may—

(i) utilize rock or gravel found within quarries in existence immediately before the date of the enactment of this Act on any Oregon and California Railroad Grant lands and O&C Region Public Domain lands, excluding those lands designated under subtitle C or transferred under subtitle D; and

(ii) construct new quarries on O&C Trust lands, except that any quarry so constructed may not exceed 5 acres.

(B) EXCEPTION.—The Board of Trustees shall not construct new quarries on any of the lands transferred to the Forest Service under section 321 or lands designated under subtitle D.

(c) ROADS.—

(1) IN GENERAL.—Except as provided in subsection (b), the Board of Trustees shall assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphs:

(A) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands owned or administered by the Bureau of Land Management immediately before the date of the enactment of this Act, except that the Secretary of Agriculture shall assume the Secretary of Interior's obligations for pro-rata maintenance expense and road use fees under reciprocal right-of-way agreements for those lands transferred to the Forest Service under section 321. All of the lands transferred to the Forest Service under section 321 shall be considered as part of the tributary area used to calculate pro-rata maintenance expense and road use fees.

(B) All roads and road systems owned or administered by the Forest Service immediately before the date of the enactment of this Act and subsequently included within the boundaries of the O&C Trust lands.

(C) All roads later added to the road system for management of the O&C Trust lands.

(2) LANDS TRANSFERRED TO FOREST SERVICE.—The Secretary of Agriculture shall assume the obligations of the Secretary of Interior for pro-rata maintenance expense and road use fees under reciprocal rights-of-way agreements for those Oregon and California Railroad Grant lands or O&C Region Public

Domain lands transferred to the Forest Service under section 321.

(3) COMPLIANCE WITH CLEAN WATER ACT.—All roads used, constructed, or reconstructed under the jurisdiction of the O&C Trust must comply with requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) applicable to private lands through the use of Best Management Practices under the Oregon Forest Practices Act.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), public access to O&C Trust lands shall be preserved consistent with the policies of the Secretary concerned applicable to the O&C Trust lands as of the date on which management authority over the surface estate of the lands is transferred to the O&C Trust.

(2) RESTRICTIONS.—The Board of Trustees may limit or control public access for reasons of public safety or to protect the resources on the O&C Trust lands.

(e) LIMITATIONS.—The assets of the O&C Trust shall not be subject to the creditors of an O&C Trust county, or otherwise be distributed in an unprotected manner or be subject to anticipation, encumbrance, or expenditure other than for a purpose for which the O&C Trust was created.

(f) REMEDY.—An O&C Trust county shall have all of the rights and remedies that would normally accrue to a beneficiary of a trust. An O&C Trust county shall provide the Board of Trustees, the Secretary concerned, and the Attorney General with not less than 60 days notice of an intent to sue to enforce the O&C Trust county's rights under the O&C Trust.

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), judicial review of any provision of this title shall be sought in the United States Court of Appeals for the District of Columbia Circuit. Parties seeking judicial review of the validity of any provision of this title must file suit within 90 days after the date of the enactment of this Act and no preliminary injunctive relief or stays pending appeal will be permitted. If multiple cases are filed under this paragraph, the Court shall consolidate the cases. The Court must rule on any action brought under this paragraph within 180 days.

(2) DECISIONS OF BOARD OF TRUSTEES.—Decisions made by the Board of Trustees shall be subject to judicial review only in an action brought by an O&C County, except that nothing in this title precludes bringing a legal claim against the Board of Trustees that could be brought against a private landowner for the same action.

SEC. 313. BOARD OF TRUSTEES.

(a) APPOINTMENT AUTHORIZATION.—Subject to the conditions on appointment imposed by this section, the Governor is authorized to appoint the Board of Trustees to administer the O&C Trust and O&C Trust lands. Appointments by the Governor shall be made within 60 days after the date of the enactment of this Act.

(b) MEMBERS AND ELIGIBILITY.—

(1) NUMBER.—Subject to subsection (c), the Board of Trustees shall consist of seven members.

(2) RESIDENCY REQUIREMENT.—Members of the Board of Trustees must reside within an O&C Trust county.

(3) GEOGRAPHICAL REPRESENTATION.—To the extent practicable, the Governor shall ensure broad geographic representation among the O&C Trust counties in appointing members to the Board of Trustees.

(c) COMPOSITION.—The Board of Trustees shall include the following members:

(1)(A) Two forestry and wood products representatives, consisting of—

(i) one member who represents the commercial timber, wood products, or milling industries and who represents an Oregon-based company with more than 500 employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years; and

(ii) one member who represents the commercial wood products or milling industries and who represents an Oregon-based company with 500 or fewer employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years.

(B) At least one of the two representatives selected in this paragraph must own commercial forest land that is adjacent to the O&C Trust lands and from which the representative has not exported unprocessed timber in the preceding five years.

(2) One representative of the general public who has professional experience in one or more of the following fields:

(A) Business management.

(B) Law.

(C) Accounting.

(D) Banking.

(E) Labor management.

(F) Transportation.

(G) Engineering.

(H) Public policy.

(3) One representative of the science community who, at a minimum, holds a Doctor of Philosophy degree in wildlife biology, forestry, ecology, or related field and has published peer-reviewed academic articles in the representative's field of expertise.

(4) Three governmental representatives, consisting of—

(A) two members who are serving county commissioners of an O&C Trust county and who are nominated by the governing bodies of a majority of the O&C Trust counties and approved by the Governor, except that the two representatives may not be from the same county; and

(B) one member who holds State-wide elected office (or is a designee of such a person) or who represents a federally recognized Indian tribe or tribes within one or more O&C Trust counties.

(d) TERM, INITIAL APPOINTMENT, VACANCIES.—

(1) TERM.—Except in the case of initial appointments, members of the Board of Trustees shall serve for five-year terms and may be reappointed for one consecutive term.

(2) INITIAL APPOINTMENTS.—In making the first appointments to the Board of Trustees, the Governor shall stagger initial appointment lengths so that two members have three-year terms, two members have four-year terms, and three members have a full five-year term.

(3) VACANCIES.—Any vacancy on the Board of Trustees shall be filled within 45 days by the Governor for the unexpired term of the departing member.

(4) BOARD OF TRUSTEES MANAGEMENT COSTS.—Members of the Board of Trustees may receive annual compensation from the O&C Trust at a rate not to exceed 50 percent of the average annual salary for commissioners of the O&C Trust counties for that year.

(e) CHAIRPERSON AND OPERATIONS.—

(1) CHAIRPERSON.—A majority of the Board of Trustees shall select the chairperson for the Board of Trustees each year.

(2) MEETINGS.—The Board of Trustees shall establish proceedings to carry out its duties. The Board shall meet at least quarterly. Except for meetings substantially involving personnel and contractual decisions, all meetings of the Board shall comply with the public meetings law of the State.

(f) QUORUM AND DECISION-MAKING.—

(1) QUORUM.—A quorum shall consist of five members of the Board of Trustees. The presence of a quorum is required to constitute an official meeting of the board of trustees to satisfy the meeting requirement under subsection (e)(2).

(2) DECISIONS.—All actions and decisions by the Board of Trustees shall require approval by a majority of members.

(g) ANNUAL AUDIT.—Financial statements regarding operation of the O&C Trust shall be independently prepared and audited annually for review by the O&C Trust counties, Congress, and the State.

SEC. 314. MANAGEMENT OF O&C TRUST LANDS.

(a) IN GENERAL.—Except as otherwise provided in this title, the O&C Trust lands will be managed by the Board of Trustees in compliance with all Federal and State laws in the same manner as such laws apply to private forest lands.

(b) TIMBER SALE PLANS.—The Board of Trustees shall approve and periodically update management and sale plans for the O&C Trust lands consistent with the purpose specified in section 311(b). The Board of Trustees may defer sale plans during periods of depressed timber markets if the Board of Trustees, in its discretion, determines that such delay until markets improve is financially prudent and in keeping with its fiduciary obligation to the O&C Trust counties.

(c) STAND ROTATION.—

(1) 100–120 YEAR ROTATION.—The Board of Trustees shall manage not less than 50 percent of the harvestable acres of the O&C Trust lands on a 100–120 year rotation. The acreage subject to 100–120 year management shall be geographically dispersed across the O&C Trust lands in a manner that the Board of Trustees, in its discretion, determines will contribute to aquatic and terrestrial ecosystem values.

(2) BALANCE.—The balance of the harvestable acreage of the O&C Trust lands shall be managed on any rotation age the Board of Trustees, in its discretion and in compliance with applicable State law, determines will best satisfy its fiduciary obligation to provide revenue to the O&C Trust counties.

(3) THINNING.—Nothing in this subsection is intended to limit the ability of the Board of Trustees to decide, in its discretion, to thin stands of timber on O&C Trust lands.

(d) SALE TERMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Board of Trustees is authorized to establish the terms for sale contracts of timber or other forest products from O&C Trust lands.

(2) SET ASIDE.—The Board of Trustees shall establish a program consistent with the program of the Bureau of Land Management under a March 10, 1959 Memorandum of Understanding, as amended, regarding calculation of shares and sale of timber set aside for purchase by business entities with 500 or fewer employees and consistent with the regulations in part 121 of title 13, Code of Federal Regulations applicable to timber sale set asides, except that existing shares in effect on the date of enactment of this Act shall apply until the next scheduled recomputation of shares. In implementing its program that is consistent with such Memorandum of Understanding, the Board of Trustees shall utilize the Timber Sale Procedure Handbook and other applicable procedures of the Bureau of Land Management, including the Operating Procedures for Conducting the Five-Year Recomputation of Small Business Share Percentages in effect on January 1, 2013.

(3) COMPETITIVE BIDDING.—The Board of Trustees must sell timber on a competitive

bid basis. No less than 50 percent of the total volume of timber sold by the Board of Trustees each year shall be sold by oral bidding consistent with practices of the Bureau of Land Management as of January 1, 2013.

(e) PROHIBITION ON EXPORT.—

(1) IN GENERAL.—As a condition on the sale of timber or other forest products from O&C Trust lands, unprocessed timber harvested from O&C Trust lands may not be exported.

(2) VIOLATIONS.—Any person who knowingly exports unprocessed timber harvested from O&C Trust lands, who knowingly provides such unprocessed timber for export by another person, or knowingly sells timber harvested from O&C Trust lands to a person who is disqualified from purchasing timber from such lands pursuant to this section shall be disqualified from purchasing timber or other forest products from O&C Trust lands or from Federal lands administered under this subtitle. Any person who uses unprocessed timber harvested from O&C Trust lands in substitution for exported unprocessed timber originating from private lands shall be disqualified from purchasing timber or other forest products from O&C Trust lands or from Federal lands administered under this subtitle.

(3) UNPROCESSED TIMBER DEFINED.—In this subsection, the term ''unprocessed timber'' has the meaning given such term in section 493(9) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620e(9)).

(f) INTEGRATED PEST, DISEASE, AND WEED MANAGEMENT PLAN.—The Board of Trustees shall develop an integrated pest and vegetation management plan to assist forest managers in prioritizing and minimizing the use of pesticides and herbicides approved by the Environmental Protection Agency and used in compliance with the Oregon Forest Practices Act. The plan shall optimize the ability of the O&C Trust to re-establish forest stands after harvest in compliance with the Oregon Forest Practices Act and to create diverse early seral stage forests. The plan shall allow for the eradication, containment and suppression of disease, pests, weeds and noxious plants, and invasive species as found on the State Noxious Weed List and prioritize ground application of herbicides and pesticides to the greatest extent practicable. The plan shall be completed before the start of the second year of the transition period. The planning process shall be open to the public and the Board of Trustees shall hold not less than two public hearings on the proposed plan before final adoption.

(g) ACCESS TO LANDS TRANSFERRED TO FOREST SERVICE.—Persons acting on behalf of the O&C Trust shall have a right of timely access over lands transferred to the Forest Service under section 321 and Tribal lands transferred under subtitle D as is reasonably necessary for the Board of Trustees to carry out its management activities with regard to the O&C Trust lands and the O&C Trust to satisfy its fiduciary duties to O&C counties.

(h) HARVEST AREA TREE AND RETENTION REQUIREMENTS.—

(1) IN GENERAL.—The O&C Trust lands shall include harvest area tree and retention requirements consistent with State law.

(2) USE OF OLD GROWTH DEFINITION.—To the greatest extent practicable, and at the discretion of the Board of Trustees, old growth, as defined by the Old Growth Review Panel created by section 324, shall be used to meet the retention requirements applicable under paragraph (1).

(i) RIPARIAN AREA MANAGEMENT.—

(1) IN GENERAL.—The O&C Trust lands shall be managed with timber harvesting limited in riparian areas as follows:

(A) STREAMS.—For all fish bearing streams and all perennial non-fish-bearing streams, there shall be no removal of timber within a distance equal to the height of one site potential tree on both sides of the stream channel. For intermittent, non-fish-bearing streams, there shall be no removal of timber within a distance equal to one-half the height of a site potential tree on both sides of the stream channel. For purposes of this subparagraph, the stream channel boundaries are the lines of ordinary high water.

(B) LARGER LAKES, PONDS AND RESERVOIRS.—For all lakes, ponds, and reservoirs with surface area larger than one quarter of one acre, there shall be no removal of timber within a distance equal to the height of one site potential tree from the line of ordinary high water of the water body.

(C) SMALL PONDS AND NATURAL WETLANDS, SPRINGS AND SEEPS.—For all ponds with surface area one quarter acre or less, and for all natural wetlands, springs and seeps, there shall be no removal of timber within the area dominated by riparian vegetation.

(2) MEASUREMENTS.—For purposes of paragraph (1), all distances shall be measured along slopes, and all site potential tree heights shall be average height at maturity of the dominant species of conifer determined at a scale no finer than the applicable fifth field watershed.

(3) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(A) to prohibit the falling or placement of timber into streams to create large woody debris for the benefit of aquatic ecosystems; or

(B) to prohibit the falling of trees within riparian areas as may be reasonably necessary for safety or operational reasons in areas adjacent to the riparian areas, or for road construction or maintenance pursuant to section 312(c)(3).

(j) FIRE PROTECTION AND EMERGENCY RESPONSE.—

(1) RECIPROCAL FIRE PROTECTION AGREEMENTS.—

(A) CONTINUATION OF AGREEMENTS.—Subject to subparagraphs (B), (C), and (D), any reciprocal fire protection agreement between the State or any other entity and the Secretary concerned with regard to Oregon and California Railroad Grant lands and O&C Region Public Domain lands in effect on the date of the enactment of this Act shall remain in place for a period of ten years after such date unless earlier terminated by the State or other entity.

(B) ASSUMPTION OF BLM RIGHTS AND DUTIES.—The Board of Trustees shall exercise the rights and duties of the Bureau of Land Management under the agreements described in subparagraph (A), except as such rights and duties might apply to Tribal lands under subtitle D.

(C) EFFECT OF EXPIRATION OF PERIOD.—Following the expiration of the ten-year period under subparagraph (A), the Board of Trustees shall continue to provide for fire protection of the Oregon and California Railroad Grant lands and O&C Region Public Domain lands, including those transferred to the Forest Service under section 331, through continuation of the reciprocal fire protection agreements, new cooperative agreements, or by any means otherwise permitted by law. The means selected shall be based on the review by the Board of Trustees of whether the reciprocal fire protection agreements were effective in protecting the lands from fire.

(D) EMERGENCY RESPONSE.—Nothing in this paragraph shall prevent the Secretary of Agriculture from an emergency response to a fire on the O&C Trust lands or lands transferred to the Forest Service under section 321.

(2) EMERGENCY RESPONSE TO FIRE.—Subject to paragraph (1), if the Secretary of Agriculture determines that fire on any of the lands transferred under section 321 is burning uncontrolled or the Secretary, the Board of Trustees, or contracted party does not have readily and immediately available personnel and equipment to control or extinguish the fire, the Secretary, or any forest protective association or agency under contract or agreement with the Secretary or the Board of Trustees for the protection of forestland against fire, shall summarily and aggressively abate the nuisance thus controlling and extinguishing the fire.

(k) NORTHERN SPOTTED OWL.—So long as the O&C Trust maintains the 100–120 year rotation on 50 percent of the harvestable acres required in subsection (c), the section 321 lands representing the best quality habitat for the owl are transferred to the Forest Service, and the O&C Trust protects currently occupied northern spotted owl nest sites consistent with the forest practices in the Oregon Forest Practices Act, management of the O&C Trust land by the Board of Trustees shall be considered to comply with section 9 of Public Law 93–205 (16 U.S.C. 1538) for the northern spotted owl. A currently occupied northern spotted owl nest site shall be considered abandoned if there are no northern spotted owl responses following three consecutive years of surveys using the Protocol for Surveying Management Activities that May Impact Northern Spotted Owls dated February 2, 2013.

SEC. 315. DISTRIBUTION OF REVENUES FROM O&C TRUST LANDS.

(a) ANNUAL DISTRIBUTION OF REVENUES.—

(1) TIME FOR DISTRIBUTION; USE.—Payments to each O&C Trust county shall be made available to the general fund of the O&C Trust county as soon as practicable following the end of each fiscal year, to be used as are other unrestricted county funds.

(2) AMOUNT.—The amount paid to an O&C Trust county in relation to the total distributed to all O&C Trust counties for a fiscal year shall be based on the proportion that the total assessed value of the Oregon and California Railroad Grant lands in each of the O&C Trust counties for fiscal year 1915 bears to the total assessed value of all of the Oregon and California Railroad Grant lands in the State for that same fiscal year. However, for the purposes of this subsection the portion of the revested Oregon and California Railroad Grant lands in each of the O&C Trust counties that was not assessed for fiscal year 1915 shall be deemed to have been assessed at the average assessed value of the Oregon and California Railroad Grant lands in the county.

(3) LIMITATION.—After the fifth payment made under this subsection, the payment to an O&C Trust county for a fiscal year shall not exceed 110 percent of the previous year's payment to the O&C Trust county, adjusted for inflation based on the consumer price index applicable to the geographic area in which the O&C Trust counties are located.

(b) RESERVE FUND.—

(1) ESTABLISHMENT OF RESERVE FUND.—The Board of Trustees shall generate and maintain a reserve fund.

(2) DEPOSITS TO RESERVE FUND.—Within 10 years after creation of the O&C Trust or as soon thereafter as is practicable, the Board of Trustees shall establish and seek to maintain an annual balance of $125,000,000 in the Reserve Fund, to be derived from revenues generated from management activities involving O&C Trust lands. All annual revenues generated in excess of operating costs and payments to O&C Trust counties required by subsection (a) and payments into the Conservation Fund as provided in subsection (c) shall be deposited in the Reserve Fund.

(3) EXPENDITURES FROM RESERVE FUND.—The Board of Trustees shall use amounts in the Reserve Fund only—

(A) to pay management and administrative expenses or capital improvement costs on O&C Trust lands; and

(B) to make payments to O&C Trust counties when payments to the counties under subsection (a) are projected to be 90 percent or less of the previous year's payments.

(c) O&C TRUST CONSERVATION FUND.—

(1) ESTABLISHMENT OF CONSERVATION FUND.—The Board of Trustees shall use a portion of revenues generated from activity on the O&C Trust lands, consistent with paragraph (2), to establish and maintain a O&C Trust Conservation Fund. The O&C Trust Conservation Fund shall include no Federal appropriations.

(2) REVENUES.—Following the transition period, five percent of the O&C Trust's annual net operating revenue, after deduction of all management costs and expenses, including the payment required under section 317, shall be deposited to the O&C Trust Conservation Fund.

(3) EXPENDITURES FROM CONSERVATION FUND.—The Board of Trustees shall use amounts from the O&C Trust Conservation Fund only—

(A) to fund the voluntary acquisition of conservation easements from willing private landowners in the State;

(B) to fund watershed restoration, remediation and enhancement projects within the State; or

(C) to contribute to balancing values in a land exchange with willing private landowners proposed under section 323(b), if the land exchange will result in a net increase in ecosystem benefits for fish, wildlife, or rare native plants.

SEC. 316. LAND EXCHANGE AUTHORITY.

(a) AUTHORITY.—Subject to approval by the Secretary concerned, the Board of Trustees may negotiate proposals for land exchanges with owners of lands adjacent to O&C Trust lands in order to create larger contiguous blocks of land under management by the O&C Trust to facilitate resource management, to improve conservation value of such lands, or to improve the efficiency of management of such lands.

(b) APPROVAL REQUIRED; CRITERIA.—The Secretary concerned may approve a land exchange proposed by the Board of Trustees administratively if the exchange meets the following criteria:

(1) The non-Federal lands are completely within the State.

(2) The non-Federal lands have high timber production value, or are necessary for more efficient or effective management of adjacent or nearby O&C Trust lands.

(3) The non-Federal lands have equal or greater value to the O&C Trust lands proposed for exchange.

(4) The proposed exchange is reasonably likely to increase the net income to the O&C Trust counties over the next 20 years and not decrease the net income to the O&C Trust counties over the next 10 years.

(c) ACREAGE LIMITATION.—The Secretary concerned shall not approve land exchanges under this section that, taken together with all previous exchanges involving the O&C Trust lands, have the effect of reducing the total acreage of the O&C Trust lands by more than five percent from the total acreage to be designated as O&C Trust land under section 311(c)(1).

(d) INAPPLICABILITY OF CERTAIN LAWS.—Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.), including the amendments made by the Federal Land Exchange Facilitation Act of 1988 (Public Law 100–409; 102 Stat. 1086), the Act of March 20, 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) shall not apply to the land exchange authority provided by this section.

(e) EXCHANGES WITH FOREST SERVICE.—

(1) EXCHANGES AUTHORIZED.—The Board of Trustees is authorized to engage in land exchanges with the Forest Service if approved by the Secretary pursuant to section 323(c).

(2) MANAGEMENT OF EXCHANGED LANDS.—Following completion of a land exchange under paragraph (1), the management requirements applicable to the newly acquired lands by the O&C Trust or the Forest Service shall be the same requirements under this subtitle applicable to the other lands that are managed by the O&C Board or the Forest Service.

SEC. 317. PAYMENTS TO THE UNITED STATES TREASURY.

As soon as practicable after the end of the third fiscal year of the transition period and in each of the subsequent seven fiscal years, the O&C Trust shall submit a payment of $10,000,000 to the United States Treasury.

CHAPTER 2—TRANSFER OF CERTAIN LANDS TO FOREST SERVICE

SEC. 321. TRANSFER OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS TO FOREST SERVICE.

(a) TRANSFER REQUIRED.—The Secretary of the Interior shall transfer administrative jurisdiction over all Oregon and California Railroad Grant lands and O&C Region Public Domain lands not designated as O&C Trust lands by subparagraphs (A) through (F) of section 311(c)(1), including those lands excluded by section 311(c)(2), to the Secretary of Agriculture for inclusion in the National Forest System and administration by the Forest Service as provided in section 322.

(b) EXCEPTION.—This section does not apply to Tribal lands transferred under subtitle D.

SEC. 322. MANAGEMENT OF TRANSFERRED LANDS BY FOREST SERVICE.

(a) ASSIGNMENT TO EXISTING NATIONAL FORESTS.—To the greatest extent practicable, management responsibilities for the lands transferred under section 321 shall be assigned to the unit of the National Forest System geographically closest to the transferred lands. The Secretary of Agriculture shall have ultimate decision-making authority, but shall assign the transferred lands to a unit not later than the applicable transfer date provided in the transition period.

(b) APPLICATION OF NORTHWEST FOREST PLAN.—

(1) IN GENERAL.—Except as provided in paragraph (2), the lands transferred under section 321 shall be managed under the Northwest Forest Plan and shall retain Northwest Forest Plan land use designations until or unless changed in the manner provided by Federal laws applicable to the administration and management of the National Forest System.

(2) EXCEPTION FOR CERTAIN DESIGNATED LANDS.—The lands excluded from the O&C Trust by subparagraphs (A) through (F) of section 311(c)(2) and transferred to the Forest Service under section 321 shall be managed as provided by Federal laws applicable to the lands.

(c) PROTECTION OF OLD GROWTH.—Old growth, as defined by the Old Growth Review Panel pursuant to rulemaking conducted in accordance with section 553 of title 5, United States Code, shall not be harvested by the Forest Service on lands transferred under section 321.

(d) EMERGENCY RESPONSE TO FIRE.—Subject to section 314(i), if the Secretary of Agriculture determines that fire on any of the lands transferred under section 321 is burning uncontrolled or the Secretary or contracted party does not have readily and immediately available personnel and equipment to control or extinguish the fire, the Secretary, or any forest protective association or agency under contract or agreement with the Secretary for the protection of forestland against fire, and within whose protection area the fire exists, shall summarily and aggressively abate the nuisance thus controlling and extinguishing the fire.

SEC. 323. MANAGEMENT EFFICIENCIES AND EXPEDITED LAND EXCHANGES.

(a) LAND EXCHANGE AUTHORITY.—The Secretary of Agriculture may conduct land exchanges involving lands transferred under section 321, other than the lands excluded from the O&C Trust by subparagraphs (A) through (F) of section 311(c)(2), in order create larger contiguous blocks of land under management of the Secretary to facilitate resource management, to improve conservation value of such lands, or to improve the efficiency of management of such lands.

(b) CRITERIA FOR EXCHANGES WITH NON-FEDERAL OWNERS.—The Secretary of Agriculture may conduct a land exchange administratively under this section with a non-Federal owner (other than the O&C Trust) if the land exchange meets the following criteria:

(1) The non-Federal lands are completely within the State.

(2) The non-Federal lands have high wildlife conservation or recreation value or the exchange is necessary to increase management efficiencies of lands administered by the Forest Service for the purposes of the National Forest System.

(3) The non-Federal lands have equal or greater value to the Federal lands purposed for exchange or a balance of values can be achieved—

(A) with a grant of funds provided by the O&C Trust pursuant to section 315(c); or

(B) from other sources.

(c) CRITERIA FOR EXCHANGES WITH O&C TRUST.—The Secretary of Agriculture may conduct land exchanges with the Board of Trustees administratively under this subsection, and such an exchange shall be deemed to not involve any Federal action or Federal discretionary involvement or control if the land exchange with the O&C Trust meets the following criteria:

(1) The O&C Trust lands to be exchanged have high wildlife value or ecological value or the exchange would facilitate resource management or otherwise contribute to the management efficiency of the lands administered by the Forest Service.

(2) The exchange is requested or approved by the Board of Trustees for the O&C Trust and will not impair the ability of the Board of Trustees to meet its fiduciary responsibilities.

(3) The lands to be exchanged by the Forest Service do not contain stands of timber meeting the definition of old growth established by the Old Growth Review Panel pursuant to section 324.

(4) The lands to be exchanged are equal in acreage.

(d) ACREAGE LIMITATION.—The Secretary of Agriculture shall not approve land exchanges under this section that, taken together with all previous exchanges involving the lands described in subsection (a), have the effect of reducing the total acreage of such lands by more than five percent from the total acreage originally transferred to the Secretary.

(e) INAPPLICABILITY OF CERTAIN LAWS.—Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022), the Federal Land Policy and Management Act of 1976 (43 U.S.C.

1701 et. seq.), including the amendments made by the Federal Land Exchange Facilitation Act of 1988 (Public Law 100–409; 102 Stat. 1086), the Act of March 20, 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) shall not apply to the land exchange authority provided by this section.

SEC. 324. REVIEW PANEL AND OLD GROWTH PROTECTION.

(a) APPOINTMENT; MEMBERS.—Within 60 days after the date of the enactment of this Act the Secretary of Agriculture shall appoint an Old Growth Review Panel consisting of five members. At a minimum, the members must hold a Doctor of Philosophy degree in wildlife biology, forestry, ecology, or related field and published peer-reviewed academic articles in their field of expertise.

(b) PURPOSE OF REVIEW.—Members of the Old Growth Review Panel shall review existing, published, peer-reviewed articles in relevant academic journals and establish a definition or definitions of old growth as it applies to the ecologically, geographically and climatologically unique Oregon and California Railroad Grant lands and O&C Region Public Domain lands managed by the O&C Trust or the Forest Service only. The definition or definitions shall bear no legal force, shall not be used as a precedent for, and shall not apply to any lands other than the Oregon and California Railroad Grant lands and O&C Region Public Domain lands managed by the O&C Trust or the Forest Service in western Oregon. The definition or definitions shall not apply to Tribal lands.

(c) SUBMISSION OF RESULTS.—The definition or definitions for old growth in western Oregon established under subsection (b), if approved by at least four members of the Old Growth Review Panel, shall be submitted to the Secretary of Agriculture within six months after the date of the enactment of this Act.

SEC. 325. UNIQUENESS OF OLD GROWTH PROTECTION ON OREGON AND CALIFORNIA RAILROAD GRANT LANDS.

All sections of this subtitle referring to the term ''old growth'' are uniquely suited to resolve management issues for the lands covered by this subtitle only, and shall not be construed as precedent for any other situation involving management of other Federal, State, Tribal, or private lands.

CHAPTER 3—TRANSITION

SEC. 331. TRANSITION PERIOD AND OPERATIONS.

(a) TRANSITION PERIOD.—

(1) COMMENCEMENT; DURATION.—Effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees under section 313, a transition period of three fiscal years shall commence.

(2) EXCEPTIONS.—Unless specifically stated in the following subsections, any action under this section shall be deemed not to involve Federal agency action or Federal discretionary involvement or control.

(b) YEAR ONE.—

(1) APPLICABILITY.—During the first fiscal year of the transition period, the activities described in this subsection shall occur.

(2) BOARD OF TRUSTEES ACTIVITIES.—The Board of Trustees shall employ sufficient staff or contractors to prepare for beginning management of O&C Trust lands and O&C Region Public Domain lands in the second fiscal year of the transition period, including preparation of management plans and a harvest schedule for the lands over which management authority is transferred to the O&C Trust in the second fiscal year.

(3) FOREST SERVICE ACTIVITIES.—The Forest Service shall begin preparing to assume management authority of all Oregon and California Railroad Grant lands and O&C Region Public Domain lands transferred under section 321 in the second fiscal year.

(4) SECRETARY CONCERNED ACTIVITIES.—The Secretary concerned shall continue to exercise management authority over all Oregon and California Railroad Grant lands and O&C Region Public Domain lands under all existing Federal laws.

(5) INFORMATION SHARING.—Upon written request from the Board of Trustees, the Secretary of the Interior shall provide copies of any documents or data, however stored or maintained, that includes the requested information concerning O&C Trust lands. The copies shall be provided as soon as practicable and to the greatest extent possible, but in no event later than 30 days following the date of the request.

(6) EXCEPTION.—This subsection does not apply to Tribal lands transferred under subtitle D.

(c) YEAR TWO.—

(1) APPLICABILITY.—During the second fiscal year of the transition period, the activities described in this subsection shall occur.

(2) TRANSFER OF O&C TRUST LANDS.—Effective on October 1 of the second fiscal year of the transition period, management authority over the O&C Trust lands shall be transferred to the O&C Trust.

(3) TRANSFER OF LANDS TO FOREST SERVICE.—The transfers required by section 321 shall occur.

(4) INFORMATION SHARING.—The Secretary of Agriculture shall obtain and manage, as soon as practicable, all documents and data relating to the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, and Coos Bay Wagon Road lands previously managed by the Bureau of Land Management. Upon written request from the Board of Trustees, the Secretary of Agriculture shall provide copies of any documents or data, however stored or maintained, that includes the requested information concerning O&C Trust lands. The copies shall be provided as soon as practicable and to the greatest extent possible, but in no event later than 30 days following the date of the request.

(5) IMPLEMENTATION OF MANAGEMENT PLAN.—The Board of Trustees shall begin implementing its management plan for the O&C Trust lands and revise the plan as necessary. Distribution of revenues generated from all activities on the O&C Trust lands shall be subject to section 315.

(d) YEAR THREE AND SUBSEQUENT YEARS.—

(1) APPLICABILITY.—During the third fiscal year of the transition period and all subsequent fiscal years, the activities described in this subsection shall occur.

(2) BOARD OF TRUSTEES MANAGEMENT.—The Board of Trustees shall manage the O&C Trust lands pursuant to subtitle A.

SEC. 332. O&C TRUST MANAGEMENT CAPITALIZATION.

(a) BORROWING AUTHORITY.—The Board of Trustees is authorized to borrow from any available private sources and non-Federal, public sources in order to provide for the costs of organization, administration, and management of the O&C Trust during the three-year transition period provided in section 331.

(b) SUPPORT.—Notwithstanding any other provision of law, O&C Trust counties are authorized to loan to the O&C Trust, and the Board of Trustees is authorized to borrow from willing O&C Trust counties, amounts held on account by such counties that are required to be expended in accordance with the Act of May 23,1908 (35 Stat. 260; 16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), except that, upon repayment by the O&C Trust, the obligation of such counties to expend the funds in accordance with such Acts shall continue to apply.

SEC. 333. EXISTING BUREAU OF LAND MANAGEMENT AND FOREST SERVICE CONTRACTS.

(a) TREATMENT OF EXISTING CONTRACTS.—Any work or timber contracts sold or awarded by the Bureau of Land Management or Forest Service on or with respect to Oregon and California Railroad Grant lands or O&C Region Public Domain lands before the transfer of the lands to the O&C Trust or the Forest Service, or Tribal lands transferred under subtitle D, shall remain binding and effective according to the terms of the contracts after the transfer of the lands. The Board of Trustees and Secretary concerned shall make such accommodations as are necessary to avoid interfering in any way with the performance of the contracts.

(b) TREATMENT OF PAYMENTS UNDER CONTRACTS.—Payments made pursuant to the contracts described in subsection (a), if any, shall be made as provided in those contracts and not made to the O&C Trust.

SEC. 334. PROTECTION OF VALID EXISTING RIGHTS AND ACCESS TO NON-FEDERAL LAND.

(a) VALID RIGHTS.—Nothing in this title, or any amendment made by this title, shall be construed as terminating any valid lease, permit, patent, right-of-way, agreement, or other right of authorization existing on the date of the enactment of this Act with regard to Oregon and California Railroad Grant lands or O&C Region Public Domain lands, including O&C Trust lands over which management authority is transferred to the O&C Trust pursuant to section 311(c)(1), lands transferred to the Forest Service under section 321, and Tribal lands transferred under subtitle D.

(b) ACCESS TO LANDS.—

(1) EXISTING ACCESS RIGHTS.—The Secretary concerned shall preserve all rights of access and use, including (but not limited to) reciprocal right-of-way agreements, tail hold agreements, or other right-of-way or easement obligations existing on the date of the enactment of this Act, and such rights shall remain applicable to lands covered by this subtitle in the same manner and to the same extent as such rights applied before the date of the enactment of this Act.

(2) NEW ACCESS RIGHTS.—If a current or future landowner of land intermingled with Oregon and California Railroad Grant lands or O&C Region Public Domain lands does not have an existing access agreement related to the lands covered by this subtitle, the Secretary concerned shall enter into an access agreement, including appurtenant lands, to secure the landowner the reasonable use and enjoyment of the landowner's land, including the harvest and hauling of timber.

(c) MANAGEMENT COOPERATION.—The Board of Trustees and the Secretary concerned shall provide current and future landowners of land intermingled with Oregon and California Railroad Grant lands or O&C Region Public Domain lands the permission needed to manage their lands, including to locate tail holds, tramways, and logging wedges, to purchase guylines, and to cost-share property lines surveys to the lands covered by this subtitle, within 30 days after receiving notification of the landowner's plan of operation.

(d) JUDICIAL REVIEW.—Notwithstanding section 312(g)(2), a private landowner may obtain judicial review of a decision of the Board of Trustees to deny—

(1) the landowner the rights provided by subsection (b) regarding access to the landowner's land; or

(2) the landowner the reasonable use and enjoyment of the landowner's land.

SEC. 335. REPEAL OF SUPERSEDED LAW RELATING TO OREGON AND CALIFORNIA RAILROAD GRANT LANDS.

(a) REPEAL.—Except as provided in subsection (b), the Act of August 28, 1937 (43 U.S.C. 1181a et seq.) is repealed effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees.

(b) EFFECT OF CERTAIN COURT RULINGS.—If, as a result of judicial review authorized by section 312, any provision of this subtitle is held to be invalid and implementation of the provision or any activity conducted under the provision is then enjoined, the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), as in effect immediately before its repeal by subsection (a), shall be restored to full legal force and effect as if the repeal had not taken effect.

Subtitle B—Coos Bay Wagon Roads

SEC. 341. TRANSFER OF MANAGEMENT AUTHORITY OVER CERTAIN COOS BAY WAGON ROAD GRANT LANDS TO COOS COUNTY, OREGON.

(a) TRANSFER REQUIRED.—Except in the case of the lands described in subsection (b), the Secretary of the Interior shall transfer management authority over the Coos Bay Wagon Road Grant lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), and the surface resources thereon, to the Coos County government. The transfer shall be completed not later than one year after the date of the enactment of this Act.

(b) LANDS EXCLUDED.—The transfer under subsection (a) shall not include any of the following Coos Bay Wagon Road Grant lands:

(1) Federal lands within the National Landscape Conservation System as of January 1, 2013.

(2) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.

(3) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.

(4) Federal lands included in the National Wild and Scenic Rivers System of January 1, 2013.

(5) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(6) All stands of timber generally older than 125 years old, as of January 1, 2011, which shall be conclusively determined by reference to the polygon spatial data layer in the electronic data compilation filed by the Bureau of Land Management based on the predominant birth-date attribute, and the boundaries of such stands shall be conclusively determined for all purposes by the global positioning system coordinates for such stands.

(7) Tribal lands addressed in subtitle D.

(c) MANAGEMENT.—

(1) IN GENERAL.—Coos County shall manage the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) consistent with section 314, and for purposes of applying such section, ''Board of Trustees'' shall be deemed to mean ''Coos County'' and ''O&C Trust lands'' shall be deemed to mean the transferred lands.

(2) RESPONSIBILITY FOR MANAGEMENT COSTS.—Coos County shall be responsible for all management and administrative costs of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a).

(3) MANAGEMENT CONTRACTS.—Coos County may contract, if competitively bid, with one or more public, private, or tribal entities, including (but not limited to) the Coquille Indian Tribe, if such entities are substantially based in Coos or Douglas Counties, Oregon, to manage and administer the lands.

(d) TREATMENT OF REVENUES.—

(1) IN GENERAL.—All revenues generated from the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) shall be deposited in the general fund of the Coos County treasury to be used as are other unrestricted county funds.

(2) TREASURY.—As soon as practicable after the end of the third fiscal year of the transition period and in each of the subsequent seven fiscal years, Coos County shall submit a payment of $400,000 to the United States Treasury.

(3) DOUGLAS COUNTY.—Beginning with the first fiscal year for which management of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) generates net positive revenues, and for all subsequent fiscal years, Coos County shall transmit a payment to the general fund of the Douglas County treasury from the net revenues generated from the lands. The payment shall be made as soon as practicable following the end of each fiscal year and the amount of the payment shall bear the same proportion to total net revenues for the fiscal year as the proportion of the Coos Bay Wagon Road Grant lands in Douglas County in relation to all Coos Bay Wagon Road Grant lands in Coos and Douglas Counties as of January 1, 2013.

SEC. 342. TRANSFER OF CERTAIN COOS BAY WAGON ROAD GRANT LANDS TO FOREST SERVICE.

The Secretary of the Interior shall transfer administrative jurisdiction over the Coos Bay Wagon Road Grant lands excluded by paragraphs (1) through (6) of section 341(b) to the Secretary of Agriculture for inclusion in the National Forest System and administration by the Forest Service as provided in section 322.

SEC. 343. LAND EXCHANGE AUTHORITY.

Coos County may recommend land exchanges to the Secretary of Agriculture and carry out such land exchanges in the manner provided in section 316.

Subtitle C—Oregon Treasures

CHAPTER 1—WILDERNESS AREAS

SEC. 351. DESIGNATION OF DEVIL'S STAIRCASE WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land in the State of Oregon administered by the Forest Service and the Bureau of Land Management, comprising approximately 30,520 acres, as generally depicted on the map titled ''Devil's Staircase Wilderness Proposal'', dated October 26, 2009, are designated as a wilderness area for inclusion in the National Wilderness Preservation System and to be known as the ''Devil's Staircase Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of wilderness area designated by subsection (a). The map and legal description shall have the same force and effect as if included in this subdivision, except that the Secretary may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map, the map shall control. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Devil's Staircase Wilderness Area shall be administered by the Secretaries of Agriculture and the Interior, in accordance with the Wilderness Act and the Oregon Wilderness Act of 1984, except that, with respect to the wilderness area, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) FOREST SERVICE ROADS.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary of Agriculture shall—

(A) decommission any National Forest System road within the wilderness boundaries; and

(B) convert Forest Service Road 4100 within the wilderness boundary to a trail for primitive recreational use.

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of the wilderness area designated by this section that is acquired by the United States shall—

(1) become part of the Devil's Staircase Wilderness Area; and

(2) be managed in accordance with this section and any other applicable law.

(e) FISH AND WILDLIFE.—Nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State of Oregon with respect to wildlife and fish in the national forests.

(f) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness area by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(g) PROTECTION OF TRIBAL RIGHTS.—Nothing in this section shall be construed to diminish—

(1) the existing rights of any Indian tribe; or

(2) tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

SEC. 352. EXPANSION OF WILD ROGUE WILDERNESS AREA.

(a) EXPANSION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Bureau of Land Management, comprising approximately 58,100 acres, as generally depicted on the map entitled ''Wild Rogue'', dated September 16, 2010, are hereby included in the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and a legal description of the wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) ADMINISTRATION.—Subject to valid existing rights, the area designated as wilderness by this section shall be administered by the Secretary of Agriculture in accordance

with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

CHAPTER 2—WILD AND SCENIC RIVER DESIGNATED AND RELATED PROTECTIONS

SEC. 361. WILD AND SCENIC RIVER DESIGNATIONS, MOLALLA RIVER.

(a) DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(____) MOLALLA RIVER, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

''(A) The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

''(B) The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.''.

(b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking ''SQUAW CREEK'' and inserting ''WHYCHUS CREEK'';

(2) in the matter preceding subparagraph (A), by striking ''McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork'' and inserting ''Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek''; and

(3) in subparagraph (B), by striking ''McAllister Ditch'' and inserting ''Plainview Ditch''.

SEC. 362. WILD AND SCENIC RIVERS ACT TECHNICAL CORRECTIONS RELATED TO CHETCO RIVER.

Section 3(a)(69) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(69)) is amended—

(1) by inserting before the ''The 44.5-mile'' the following:

''(A) DESIGNATIONS.—'';

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and by moving the margins 2 ems to the right);

(3) in clause (i), as redesignated—

(A) by striking ''25.5-mile'' and inserting ''27.5-mile''; and

(B) by striking ''Boulder Creek at the Kalmiopsis Wilderness boundary'' and inserting ''Mislatnah Creek'';

(4) in clause (ii), as redesignated—

(A) by striking ''8'' and inserting ''7.5'';

(B) by striking ''Boulder Creek'' and inserting ''Mislatnah Creek''; and

(C) by striking ''Steel Bridge'' and inserting ''Eagle Creek'';

(5) in clause (iii), as redesignated—

(A) by striking ''11'' and inserting ''9.5''; and

(B) by striking ''Steel Bridge'' and inserting ''Eagle Creek''; and

(6) by adding at the end the following:

''(B) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (A), is withdrawn from all forms of—

''(i) entry, appropriation, or disposal under the public land laws;

''(ii) location, entry, and patent under the mining laws; and

''(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.''.

SEC. 363. WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(____) FRANKLIN CREEK, OREGON.—The 4.5-mile segment from the headwaters to the private land boundary in section 8 to be administered by the Secretary of Agriculture as a wild river.

''(____) WASSON CREEK, OREGON.—

''(A) The 4.2-mile segment from the eastern edge of section 17 downstream to the boundary of sections 11 and 12 to be administered by the Secretary of Interior as a wild river.

''(B) The 5.9-mile segment downstream from the boundary of sections 11 and 12 to the private land boundary in section 22 to be administered by the Secretary of Agriculture as a wild river.''.

SEC. 364. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.

(a) DESIGNATIONS.—Section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the Rogue River, Oregon) is amended by adding at the end the following: ''In addition to the segment described in the previous sentence, the following segments in the Rogue River area are designated:

''(A) KELSEY CREEK.—The approximately 4.8 miles of Kelsey Creek from east section line of T32S, R9W, sec. 34, W.M. to the confluence with the Rogue River as a wild river.

''(B) EAST FORK KELSEY CREEK.—The approximately 4.6 miles of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 5, W.M. to the confluence with Kelsey Creek as a wild river.

''(C) WHISKY CREEK.—

''(i) The approximately 0.6 miles of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33–8–23 as a recreational river.

''(ii) The approximately 1.9 miles of Whisky Creek from 0.1 miles downstream from road 33–8–23 to the confluence with the Rogue River as a wild river.

''(D) EAST FORK WHISKY CREEK.—

''(i) The approximately 2.8 miles of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 11, W.M. to 0.1 miles downstream of road 33–8–26 crossing as a wild river.

''(ii) The approximately .3 miles of East Fork Whisky Creek from 0.1 miles downstream of road 33–8–26 to the confluence with Whisky Creek as a recreational river.

''(E) WEST FORK WHISKY CREEK.—The approximately 4.8 miles of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek as a wild river.

''(F) BIG WINDY CREEK.—

''(i) The approximately 1.5 miles of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34–9–17.1 as a scenic river.

''(ii) The approximately 5.8 miles of Big Windy Creek from 0.1 miles downstream from road 34–9–17.1 to the confluence with the Rogue River as a wild river.

''(G) EAST FORK BIG WINDY CREEK.—

''(i) The approximately 0.2 miles of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34–8–36 as a scenic river.

''(ii) The approximately 3.7 miles of East Fork Big Windy Creek from 0.1 miles downstream from road 34–8–36 to the confluence with Big Windy Creek as a wild river.

''(H) LITTLE WINDY CREEK.—The approximately 1.9 miles of Little Windy Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

''(I) HOWARD CREEK.—

''(i) The approximately 0.3 miles of Howard Creek from its headwaters to 0.1 miles downstream of road 34–9–34 as a scenic river.

''(ii) The approximately 6.9 miles of Howard Creek from 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

''(J) MULE CREEK.—The approximately 6.3 miles of Mule Creek from east section line of T32S, R10W, sec. 25, W.M. to the confluence with the Rogue River as a wild river.

''(K) ANNA CREEK.—The approximately 3.5-mile section of Anna Creek from its headwaters to the confluence with Howard Creek as a wild river.

''(L) MISSOURI CREEK.—The approximately 1.6 miles of Missouri Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 24, W.M. to the confluence with the Rogue River as a wild river.

''(M) JENNY CREEK.—The approximately 1.8 miles of Jenny Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 28, W.M. to the confluence with the Rogue River as a wild river.

''(N) RUM CREEK.—The approximately 2.2 miles of Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 9, W.M. to the confluence with the Rogue River as a wild river.

''(O) EAST FORK RUM CREEK.—The approximately 1.5 miles of East Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 10, W.M. to the confluence with Rum Creek as a wild river.

''(P) WILDCAT CREEK.—The approximately 1.7-mile section of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.

''(Q) MONTGOMERY CREEK.—The approximately 1.8-mile section of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.

''(R) HEWITT CREEK.—The approximately 1.2 miles of Hewitt Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 19, W.M. to the confluence with the Rogue River as a wild river.

''(S) BUNKER CREEK.—The approximately 6.6 miles of Bunker Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(T) DULOG CREEK.—

''(i) The approximately 0.8 miles of Dulog Creek from its headwaters to 0.1 miles downstream of road 34–8–36 as a scenic river.

''(ii) The approximately 1.0 miles of Dulog Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

''(U) QUAIL CREEK.—The approximately 1.7 miles of Quail Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 1, W.M. to the confluence with the Rogue River as a wild river.

''(V) MEADOW CREEK.—The approximately 4.1 miles of Meadow Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(W) RUSSIAN CREEK.—The approximately 2.5 miles of Russian Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 20, W.M. to the confluence with the Rogue River as a wild river.

''(X) ALDER CREEK.—The approximately 1.2 miles of Alder Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(Y) BOOZE CREEK.—The approximately 1.5 miles of Booze Creek from its headwaters to

the confluence with the Rogue River as a wild river.

''(Z) BRONCO CREEK.—The approximately 1.8 miles of Bronco Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(AA) COPSEY CREEK.—The approximately 1.5 miles of Copsey Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(BB) CORRAL CREEK.—The approximately 0.5 miles of Corral Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(CC) COWLEY CREEK.—The approximately 0.9 miles of Cowley Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(DD) DITCH CREEK.—The approximately 1.8 miles of Ditch Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 5, W.M. to its confluence with the Rogue River as a wild river.

''(EE) FRANCIS CREEK.—The approximately 0.9 miles of Francis Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(FF) LONG GULCH.—The approximately 1.1 miles of Long Gulch from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 23, W.M. to the confluence with the Rogue River as a wild river.

''(GG) BAILEY CREEK.—The approximately 1.7 miles of Bailey Creek from the west section line of T34S, R8W, sec. 14, W.M. to the confluence of the Rogue River as a wild river.

''(HH) SHADY CREEK.—The approximately 0.7 miles of Shady Creek from its headwaters to the confluence with the Rogue River as a wild river.

''(II) SLIDE CREEK.—

''(i) The approximately 0.5-mile section of Slide Creek from its headwaters to 0.1 miles downstream from road 33–9–6 as a scenic river.

''(ii) The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33–9–6 to the confluence with the Rogue River as a wild river.''.

(b) MANAGEMENT.—All wild, scenic, and recreation classified segments designated by the amendment made by subsection (a) shall be managed as part of the Rogue Wild and Scenic River.

(c) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by the amendment made by subsection (a) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 365. ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.

(a) WITHDRAWAL.—Subject to valid rights, the Federal land within a quarter-mile on each side of the streams listed in subsection (b) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) STREAM SEGMENTS.—Subsection (a) applies the following tributaries of the Rogue River:

(1) KELSEY CREEK.—The approximately 4.5 miles of Kelsey Creek from its headwaters to the east section line of 32S 9W sec. 34.

(2) EAST FORK KELSEY CREEK.—The approximately .2 miles of East Fork Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 5.

(3) EAST FORK WHISKY CREEK.—The approximately .7 miles of East Fork Whisky Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W section 11.

(4) LITTLE WINDY CREEK.—The approximately 1.2 miles of Little Windy Creek from its headwaters to west section line of 33S 9W sec. 34.

(5) MULE CREEK.—The approximately 5.1 miles of Mule Creek from its headwaters to east section line of 32S 10W sec. 25.

(6) MISSOURI CREEK.—The approximately 3.1 miles of Missouri Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 24.

(7) JENNY CREEK.—The approximately 3.1 miles of Jenny Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 28.

(8) RUM CREEK.—The approximately 2.2 miles of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 34S 8W sec. 9.

(9) EAST FORK RUM CREEK.—The approximately .5 miles of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 34S 8W sec. 10.

(10) HEWITT CREEK.—The approximately 1.4 miles of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 19.

(11) QUAIL CREEK.—The approximately .8 miles of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 1.

(12) RUSSIAN CREEK.—The approximately .1 miles of Russian Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 20.

(13) DITCH CREEK.—The approximately .7 miles of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 5.

(14) LONG GULCH.—The approximately 1.4 miles of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 23.

(15) BAILEY CREEK.—The approximately 1.4 miles of Bailey Creek from its headwaters to west section line of 34S 8W sec. 14.

(16) QUARTZ CREEK.—The approximately 3.3 miles of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek.

(17) NORTH FORK GALICE CREEK.—The approximately 5.7 miles of the North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

(18) GRAVE CREEK.—The approximately 10.2 mile section of Grave Creek from the confluence of Wolf Creek downstream to the confluence with the Rogue River.

(19) CENTENNIAL GULCH.—The approximately 2.2 miles of Centennial Gulch from its headwaters to its confluence with the Rogue River.

CHAPTER 3—ADDITIONAL PROTECTIONS

SEC. 371. LIMITATIONS ON LAND ACQUISITION.

(a) PROHIBITION ON USE OF CONDEMNATION.—The Secretary of the Interior or the Secretary of Agriculture may not acquire by condemnation any land or interest within the boundaries of the river segments or wilderness designated by this subtitle.

(b) LANDOWNER CONSENT REQUIRED.—Private or non-Federal public property shall not be included within the boundaries of the river segments or wilderness designated by this subtitle unless the owner of the property has consented in writing to having that property included in such boundaries.

SEC. 372. OVERFLIGHTS.

(a) IN GENERAL.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the wilderness designated by this subtitle, including military overflights and operations that can be seen or heard within the wilderness.

(b) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over wilderness designated by this subtitle.

SEC. 373. BUFFER ZONES.

Nothing in this subtitle—

(1) establishes or authorizes the establishment of a protective perimeter or buffer zone around the boundaries of the river segments or wilderness designated by this subtitle; or

(2) precludes, limits, or restricts an activity from being conducted outside such boundaries, including an activity that can be seen or heard from within such boundaries.

SEC. 374. PREVENTION OF WILDFIRES.

The designation of a river segment or wilderness by this subtitle or the withdrawal of the Federal land under this subtitle shall not be construed to interfere with the authority of the Secretary of the Interior or the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires, or conditions creating the risk of wildfire that threatens areas outside the boundary of the wilderness, or the use of mechanized equipment for wildfire pre-suppression and suppression.

SEC. 375. LIMITATION ON DESIGNATION OF CERTAIN LANDS IN OREGON.

A national monument designation under the Act of June 8, 1906 (commonly known as the Antiquities Act; 16 U.S.C. 431 et seq.) within or on any portion of the Oregon and California Railroad Grant Lands or the O&C Region Public Domain lands, regardless of whether management authority over the lands are transferred to the O&C Trust pursuant to section 311(c)(1), the lands are excluded from the O&C Trust pursuant to section 311(c)(2), or the lands are transferred to the Forest Service under section 321, shall only be made pursuant to Congressional approval in an Act of Congress.

CHAPTER 4—EFFECTIVE DATE

SEC. 381. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall take effect on October 1 of the second fiscal year of the transition period.

(b) EXCEPTION.—If, as a result of judicial review authorized by section 312, any provision of subtitle A is held to be invalid and implementation of the provision or any activity conducted under the provision is enjoined, this subtitle and the amendments made by this subtitle shall not take effect, or if the effective date specified in subsection (a) has already occurred, this subtitle shall have no force and effect and the amendments made by this subtitle are repealed.

Subtitle D—Tribal Trust Lands

PART 1—COUNCIL CREEK LAND CONVEYANCE

SEC. 391. DEFINITIONS.

In this part:

(1) COUNCIL CREEK LAND.—The term ''Council Creek land'' means the approximately 17,519 acres of land, as generally depicted on the map entitled ''Canyon Mountain Land Conveyance'' and dated June 27, 2013.

(2) TRIBE.—The term ''Tribe'' means the Cow Creek Band of Umpqua Tribe of Indians.

SEC. 392. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right,

title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

(b) SURVEY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 393. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Council Creek land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subdivision, except that the Secretary of the Interior may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary of the Interior.

SEC. 394. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this part, nothing in this part affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 392 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Council Creek land shall be managed in accordance with all applicable Federal laws.

PART 2—OREGON COASTAL LAND CONVEYANCE

SEC. 395. DEFINITIONS.

In this part:

(1) OREGON COASTAL LAND.—The term ''Oregon Coastal land'' means the approximately 14,804 acres of land, as generally depicted on the map entitled ''Oregon Coastal Land Conveyance'' and dated March 5, 2013.

(2) CONFEDERATED TRIBES.—The term ''Confederated Tribes'' means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

SEC. 396. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Oregon Coastal land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Confederated Tribes; and

(2) part of the reservation of the Confederated Tribes.

(b) SURVEY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 397. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Oregon Coastal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subdivision, except that the Secretary of the Interior may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary of the Interior.

SEC. 398. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this part, nothing in this part affects any right or claim of the Consolidated Tribes existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Oregon Coastal land.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 396 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Oregon Coastal land shall be managed in accordance with all applicable Federal laws.

TITLE IV—COMMUNITY FOREST MANAGEMENT DEMONSTRATION

SEC. 401. PURPOSE AND DEFINITIONS.

(a) PURPOSE.—The purpose of this title is to generate dependable economic activity for counties and local governments by establishing a demonstration program for local, sustainable forest management.

(b) DEFINITIONS.—In this title:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Advisory Committee appointed by the Governor of a State for the community forest demonstration area established for the State.

(2) COMMUNITY FOREST DEMONSTRATION AREA.—The term ''community forest demonstration area'' means a community forest demonstration area established for a State under section 402.

(3) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture or the designee of the Secretary of Agriculture.

(5) STATE.—The term ''State'' includes the Commonwealth of Puerto Rico.

SEC. 402. ESTABLISHMENT OF COMMUNITY FOREST DEMONSTRATION AREAS.

(a) ESTABLISHMENT REQUIRED; TIME FOR ESTABLISHMENT.—Subject to subsection (c) and not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall establish a community forest demonstration area at the request of the Advisory Committee appointed to manage community forest demonstration area land in that State.

(b) COVERED LAND.—

(1) INCLUSION OF NATIONAL FOREST SYSTEM LAND.—The community forest demonstration areas of a State shall consist of the National Forest System land in the State identified for inclusion by the Advisory Committee of that State.

(2) EXCLUSION OF CERTAIN LAND.—A community forest demonstration area shall not include National Forest System land—

(A) that is a component of the National Wilderness Preservation System;

(B) on which the removal of vegetation is specifically prohibited by Federal statute;

(C) National Monuments; or

(D) over which administration jurisdiction was first assumed by the Forest Service under title III.

(c) CONDITIONS ON ESTABLISHMENT.—

(1) ACREAGE REQUIREMENT.—A community forest demonstration area must include at least 200,000 acres of National Forest System land. If the unit of the National Forest System in which a community forest demonstration area is being established contains more than 5,000,000 acres, the community forest demonstration area may include 900,000 or more acres of National Forest System land.

(2) MANAGEMENT LAW OR BEST MANAGEMENT PRACTICES REQUIREMENT.—A community forest demonstration area may be established in a State only if the State—

(A) has a forest practices law applicable to State or privately owned forest land in the State; or

(B) has established silvicultural best management practices or other regulations for forest management practices related to clean water, soil quality, wildlife or forest health.

(3) REVENUE SHARING REQUIREMENT.—As a condition of the inclusion in a community forest demonstration area of National Forest System land located in a particular county in a State, the county must enter into an agreement with the Governor of the State that requires that, in utilizing revenues received by the county under section 406(b), the county shall continue to meet any obligations under applicable State law as provided under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.) or as provided in the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500).

(d) TREATMENT UNDER CERTAIN OTHER LAWS.—National Forest System land included in a community forest demonstration area shall not be considered Federal land for purposes of—

(1) making payments to counties under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) title I.

(e) ACREAGE LIMITATION.—Not more than a total of 4,000,000 acres of National Forest System land may be established as community forest demonstration areas.

(f) RECOGNITION OF VALID AND EXISTING RIGHTS.—Nothing in this title shall be construed to limit or restrict—

(1) access to National Forest System land included in a community forest demonstration area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding such National Forest System land, including

rights of any federally recognized Indian tribe.

SEC. 403. ADVISORY COMMITTEE.

(a) APPOINTMENT.—A community forest demonstration area for a State shall be managed by an Advisory Committee appointed by the Governor of the State.

(b) COMPOSITION.—The Advisory Committee for a community forest demonstration area in a State shall include, but is not limited to, the following members:

(1) One member who holds county or local elected office, appointed from each county or local governmental unit in the State containing community forest demonstration area land.

(2) One member who represents the commercial timber, wood products, or milling industry.

(3) One member who represents persons holding Federal grazing or other land use permits.

(4) One member who represents recreational users of National Forest System land.

(c) TERMS.—

(1) IN GENERAL.—Except in the case of certain initial appointments required by paragraph (2), members of an Advisory Committee shall serve for a term of three years.

(2) INITIAL APPOINTMENTS.—In making initial appointments to an Advisory Committee, the Governor making the appointments shall stagger terms so that at least one-third of the members will be replaced every three years.

(d) COMPENSATION.—Members of a Advisory Committee shall serve without pay, but may be reimbursed from the funds made available for the management of a community forest demonstration area for the actual and necessary travel and subsistence expenses incurred by members in the performance of their duties.

SEC. 404. MANAGEMENT OF COMMUNITY FOREST DEMONSTRATION AREAS.

(a) ASSUMPTION OF MANAGEMENT.—

(1) CONFIRMATION.—The Advisory Committee appointed for a community forest demonstration area shall assume all management authority with regard to the community forest demonstration area as soon as the Secretary confirms that—

(A) the National Forest System land to be included in the community forest demonstration area meets the requirements of subsections (b) and (c) of section 402;

(B) the Advisory Committee has been duly appointed under section 403 and is able to conduct business; and

(C) provision has been made for essential management services for the community forest demonstration area.

(2) SCOPE AND TIME FOR CONFIRMATION.—The determination of the Secretary under paragraph (1) is limited to confirming whether the conditions specified in subparagraphs (A) and (B) of such paragraph have been satisfied. The Secretary shall make the determination not later than 60 days after the date of the appointment of the Advisory Committee.

(3) EFFECT OF FAILURE TO CONFIRM.—If the Secretary determines that either or both conditions specified in subparagraphs (A) and (B) of paragraph (1) are not satisfied for confirmation of an Advisory Committee, the Secretary shall—

(A) promptly notify the Governor of the affected State and the Advisory Committee of the reasons preventing confirmation; and

(B) make a new determination under paragraph (2) within 60 days after receiving a new request from the Advisory Committee that addresses the reasons that previously prevented confirmation.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of a community forest demonstration area, the Advisory Committee for the community forest demonstration area shall manage the land and resources of the community forest demonstration area and the occupancy and use thereof in conformity with this title, and to the extent not in conflict with this title, the laws and regulations applicable to management of State or privately-owned forest lands in the State in which the community forest demonstration area is located.

(c) APPLICABILITY OF OTHER FEDERAL LAWS.—

(1) IN GENERAL.—The administration and management of a community forest demonstration area, including implementing actions, shall not be considered Federal action and shall be subject to the following only to the extent that such laws apply to the State or private administration and management of forest lands in the State in which the community forest demonstration area is located:

(A) The Federal Water Pollution Control Act (33 U.S.C. 1251 note).

(B) The Clean Air Act (42 U.S.C. 7401 et seq.).

(C) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(D) Federal laws and regulations governing procurement by Federal agencies.

(E) Except as provided in paragraph (2), other Federal laws.

(2) APPLICABILITY OF NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.—Notwithstanding the assumption by an Advisory Committee of management of a community forest demonstration area, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) shall continue to apply to the National Forest System land included in the community forest demonstration area.

(d) CONSULTATION.—

(1) WITH INDIAN TRIBES.—The Advisory Committee for a community forest demonstration area shall cooperate and consult with Indian tribes on management policies and practices for the community forest demonstration area that may affect the Indian tribes. The Advisory Committee shall take into consideration the use of lands within the community forest demonstration area for religious and cultural uses by Native Americans.

(2) WITH COLLABORATIVE GROUPS.—The Advisory Committee for a community forest demonstration area shall consult with any applicable forest collaborative group.

(e) RECREATION.—Nothing in this section shall affect public use and recreation within a community forest demonstration area.

(f) FIRE MANAGEMENT.—The Secretary shall provide fire presuppression, suppression, and rehabilitation services on and with respect to a community forest demonstration area to the same extent generally authorized in other units of the National Forest System.

(g) PROHIBITION ON EXPORT.—As a condition on the sale of timber or other forest products from a community forest demonstration area, unprocessed timber harvested from a community forest demonstration area may not be exported in accordance with subpart F of part 223 of title 36, Code of Federal Regulations.

SEC. 405. DISTRIBUTION OF FUNDS FROM COMMUNITY FOREST DEMONSTRATION AREA.

(a) RETENTION OF FUNDS FOR MANAGEMENT.—The Advisory Committee appointed for a community forest demonstration area may retain such sums as the Advisory Committee considers to be necessary from amounts generated from that community forest demonstration area to fund the management, administration, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to the community forest demonstration area.

(b) FUNDS TO COUNTIES OR LOCAL GOVERNMENTAL UNITS.—Subject to subsection (a) and section 407, the Advisory Committee for a community forest demonstration area in a State shall distribute funds generated from that community forest demonstration area to each county or local governmental unit in the State in an amount proportional to the funds received by the county or local governmental unit under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.).

SEC. 406. INITIAL FUNDING AUTHORITY.

(a) FUNDING SOURCE.—Counties may use such sum as the counties consider to be necessary from the amounts made available to the counties under section 501 to provide initial funding for the management of community forest demonstration areas.

(b) NO RESTRICTION ON USE OF NON-FEDERAL FUNDS.—Nothing in this title restricts the Advisory Committee of a community forest demonstration area from seeking non-Federal loans or other non-Federal funds for management of the community forest demonstration area.

SEC. 407. PAYMENTS TO UNITED STATES TREASURY.

(a) PAYMENT REQUIREMENT.—As soon as practicable after the end of the fiscal year in which a community forest demonstration area is established and as soon as practicable after the end of each subsequent fiscal year, the Advisory Committee for a community forest demonstration area shall make a payment to the United States Treasury.

(b) PAYMENT AMOUNT.—The payment for a fiscal year under subsection (a) with respect to a community forest demonstration area shall be equal to 75 percent of the quotient obtained by dividing—

(1) the number obtained by multiplying the number of acres of land in the community forest demonstration area by the average annual receipts generated over the preceding 10-fiscal year period from the unit or units of the National Forest System containing that community forest demonstration area; by

(2) the total acres of National Forest System land in that unit or units of the National Forest System.

SEC. 408. TERMINATION OF COMMUNITY FOREST DEMONSTRATION AREA.

(a) TERMINATION AUTHORITY.—Subject to approval by the Governor of the State, the Advisory Committee for a community forest demonstration area may terminate the community forest demonstration area by a unanimous vote.

(b) EFFECT OF TERMINATION.—Upon termination of a community forest demonstration area, the Secretary shall immediately resume management of the National Forest System land that had been included in the community forest demonstration area, and the Advisory Committee shall be dissolved.

(c) TREATMENT OF UNDISTRIBUTED FUNDS.—Any revenues from the terminated area that remain undistributed under section 405 more than 30 days after the date of termination shall be deposited in the general fund of the Treasury for use by the Forest Service in such amounts as may be provided in advance in appropriation Acts.

TITLE V—REAUTHORIZATION AND AMENDMENT OF EXISTING AUTHORITIES AND OTHER MATTERS

SEC. 501. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 PENDING FULL OPERATION OF FOREST RESERVE REVENUE AREAS.

(a) BENEFICIARY COUNTIES.—During the month of February 2015, the Secretary of Agriculture shall distribute to each beneficiary

county (as defined in section 102(2)) a payment equal to the amount distributed to the beneficiary county for fiscal year 2010 under section 102(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(c)(1)).

(b) COUNTIES THAT WERE ELIGIBLE FOR DIRECT COUNTY PAYMENTS.—

(1) TOTAL AMOUNT AVAILABLE FOR PAYMENTS.—During the month of February 2015, the Secretary of the Interior shall distribute to all counties that received a payment for fiscal year 2010 under subsection (a)(2) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) payments in a total amount equal to the difference between—

(A) the total amount distributed to all such counties for fiscal year 2010 under subsection (c)(1) of such section; and

(B) $27,000,000.

(2) COUNTY SHARE.—From the total amount determined under paragraph (1), each county described in such paragraph shall receive, during the month of February 2015, an amount that bears the same proportion to the total amount made available under such paragraph as that county's payment for fiscal year 2010 under subsection (c)(1) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) bears to the total amount distributed to all such counties for fiscal year 2010 under such subsection.

(c) EFFECT ON 25-PERCENT AND 50-PERCENT PAYMENTS.—A county that receives a payment made under subsection (a) or (b) may not receive a 25-percent payment or 50-percent payment (as those terms are defined in section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102)) for fiscal year 2015.

SEC. 502. RESTORING ORIGINAL CALCULATION METHOD FOR 25-PERCENT PAYMENTS.

(a) AMENDMENT OF ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence—

(1) by striking ''the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years'' and inserting ''25 percent of all amounts received for the applicable fiscal year'';

(2) by striking ''said reserve'' both places it appears and inserting ''the national forest''; and

(3) by striking ''forest reserve'' both places it appears and inserting ''national forest''.

(b) CONFORMING AMENDMENT TO WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the Weeks Law; 16 U.S.C. 500) is amended in the first sentence by striking ''the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years'' and inserting ''25 percent of all amounts received for the applicable fiscal year''.

SEC. 503. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT GOOD-NEIGHBOR COOPERATION WITH STATES TO REDUCE WILDFIRE RISKS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or land under the jurisdiction of the Bureau of Land Management.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS AUTHORIZED.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration, management, and protection services described in subsection (c) on National Forest System land or land under the jurisdiction of the Bureau of Land Management, as applicable, in the eligible State.

(c) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration, management, and protection services referred to in subsection (b) include the conduct of—

(1) activities to treat insect infected forests;

(2) activities to reduce hazardous fuels;

(3) activities involving commercial harvesting or other mechanical vegetative treatments; or

(4) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(d) STATE AS AGENT.—Except as provided in subsection (g), a cooperative agreement or contract entered into under subsection (b) may authorize the State forester to serve as the agent for the Secretary in providing the restoration, management, and protection services authorized under subsection (b).

(e) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration, management, and protection services authorized under a cooperative agreement or contract entered into under subsection (b).

(f) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under subsection (b).

(g) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration, management, or protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(h) APPLICABLE LAW.—The restoration, management, and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SEC. 504. TREATMENT AS SUPPLEMENTAL FUNDING.

None of the funds made available to a beneficiary county (as defined in section 102(2)) or other political subdivision of a State under this subdivision shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.

SEC. 505. DEFINITION OF FIRE SUPPRESSION TO INCLUDE CERTAIN RELATED ACTIVITIES.

For purposes of utilizing amounts made available to the Secretary of Agriculture or the Secretary of the Interior for fire suppression activities, including funds made available from the FLAME Fund, the term ''fire suppression'' includes reforestation, site rehabilitation, salvage operations, and replanting occurring following fire damage on lands under the jurisdiction of the Secretary concerned or following fire suppression efforts on such lands by the Secretary concerned.

SEC. 506. PROHIBITION ON CERTAIN ACTIONS REGARDING FOREST SERVICE ROADS AND TRAILS.

The Forest Service shall not remove or otherwise eliminate or obliterate any legally created road or trail unless there has been a specific decision, which included adequate and appropriate public involvement, to decommission the specific road or trail in question. The fact that any road or trail is a not a Forest System road or trail, or does not appear on a Motor Vehicle Use Map, shall not constitute a decision.

SUBDIVISION B—NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION

SEC. 100. SHORT TITLE.

This subdivision may be cited as the ''National Strategic and Critical Minerals Production Act of 2014''.

SEC. 100A. FINDINGS.

Congress finds the following:

(1) The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements necessary for telecommunications, military technologies, healthcare technologies, and conventional and renewable energy technologies.

(2) The availability of minerals and mineral materials are essential for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.

(3) The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security and general welfare of the Nation.

(4) The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:

(A) Twenty-five years ago the United States was dependent on foreign sources for 30 nonfuel mineral materials, 6 of which the United States imported 100 percent of the Nation's requirements, and for another 16 commodities the United States imported more than 60 percent of the Nation's needs.

(B) By 2011 the United States import dependence for nonfuel mineral materials had more than doubled from 30 to 67 commodities, 19 of which the United States imported 100 percent of the Nation's requirements, and for another 24 commodities, imported more than 50 percent of the Nation's needs.

(C) The United States share of worldwide mineral exploration dollars was 8 percent in 2011, down from 19 percent in the early 1990s.

(D) In the 2012 Ranking of Countries for Mining Investment, out of 25 major mining countries, the United States ranked last with Papua New Guinea in permitting delays, and towards the bottom regarding government take and social issues affecting mining.

SEC. 100B. DEFINITIONS.

In this subdivision:

(1) STRATEGIC AND CRITICAL MINERALS.—The term ''strategic and critical minerals'' means minerals that are necessary—

(A) for national defense and national security requirements;

(B) for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(C) to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or

(D) for the Nation's economic security and balance of trade.

(2) AGENCY.—The term ''agency'' means any agency, department, or other unit of

Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) MINERAL EXPLORATION OR MINE PERMIT.—The term ''mineral exploration or mine permit'' includes plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 43 CFR 3809 and 36 CFR 228A or the authorities listed in 43 CFR 3503.13, respectively.

TITLE I—DEVELOPMENT OF DOMESTIC SOURCES OF STRATEGIC AND CRITICAL MINERALS

SEC. 101. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an ''infrastructure project'' as described in Presidential Order ''Improving Performance of Federal Permitting and Review of Infrastructure Projects'' dated March 22, 2012.

SEC. 102. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall appoint a project lead who shall coordinate and consult with cooperating agencies and any other agency involved in the permitting process, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of the permitting process, set clear permitting goals and track progress against those goals.

(b) DETERMINATION UNDER NEPA.—To the extent that the National Environmental Policy Act of 1969 applies to any mineral exploration or mine permit, the lead agency with responsibility for issuing a mineral exploration or mine permit shall determine that the action to approve the exploration or mine permit does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 if the procedural and substantive safeguards of the permitting process alone, any applicable State permitting process alone, or a combination of the two processes together provide an adequate mechanism to ensure that environmental factors are taken into account.

(c) COORDINATION ON PERMITTING PROCESS.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination for the permitting process by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the process. The lead agency shall consider the following best practices:

(1) Deferring to and relying upon baseline data, analyses and reviews performed by State agencies with jurisdiction over the proposed project.

(2) Conducting any consultations or reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(d) SCHEDULE FOR PERMITTING PROCESS.—At the request of a project proponent, the lead agency, cooperating agencies and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project proponent that sets time limits for each part of the permitting process including the following:

(1) The decision on whether to prepare a document required under the National Environmental Policy Act of 1969.

(2) A determination of the scope of any document required under the National Environmental Policy Act of 1969.

(3) The scope of and schedule for the baseline studies required to prepare a document required under the National Environmental Policy Act of 1969.

(4) Preparation of any draft document required under the National Environmental Policy Act of 1969.

(5) Preparation of a final document required under the National Environmental Policy Act of 1969.

(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(e) TIME LIMIT FOR PERMITTING PROCESS.—In no case should the total review process described in subsection (d) exceed 30 months unless agreed to by the signatories of the agreement.

(f) LIMITATION ON ADDRESSING PUBLIC COMMENTS.—The lead agency is not required to address agency or public comments that were not submitted during any public comment periods or consultation periods provided during the permitting process or as otherwise required by law.

(g) FINANCIAL ASSURANCE.—The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

(h) APPLICATION TO EXISTING PERMIT APPLICATIONS.—This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the date of the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section with respect to such application within 30 days after receiving such written request.

(i) STRATEGIC AND CRITICAL MINERALS WITHIN NATIONAL FORESTS.—With respect to strategic and critical minerals within a federally administered unit of the National Forest System, the lead agency shall—

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in existence as of the date of the enactment of this Act from the procedures detailed at and all rules promulgated under part 294 of title 36, Code for Federal Regulations;

(2) apply such exemption to all additional routes and areas that the lead agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

SEC. 103. CONSERVATION OF THE RESOURCE.

In evaluating and issuing any mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the market place.

SEC. 104. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated and transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.—Absent any extraordinary circumstance or except as otherwise required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

TITLE II—JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO EXPLORATION AND MINE PERMITS

SEC. 201. DEFINITIONS FOR TITLE.

In this title the term ''covered civil action'' means a civil action against the Federal Government containing a claim under section 702 of title 5, United States Code, regarding agency action affecting a mineral exploration or mine permit.

SEC. 202. TIMELY FILINGS.

A covered civil action is barred unless filed no later than the end of the 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 203. RIGHT TO INTERVENE.

The holder of any mineral exploration or mine permit may intervene as of right in any covered civil action by a person affecting rights or obligations of the permit holder under the permit.

SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 205. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 206. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SECRETARIAL ORDER NOT AFFECTED.

Nothing in this subdivision shall be construed as to affect any aspect of Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, with respect to potash and oil and gas operators.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from New York (Mr. RANGEL) each will control 60 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Every day, honest, hardworking men and women are struggling. Far too many families haven't seen a pay raise in years, and many have lost hope and stopped looking for work entirely. H.R. 4, the Jobs for America Act, will strengthen the economy by creating more jobs with higher take-home pay.

The House has already passed dozens of bipartisan solutions that will break down burdensome regulations and promote policies that allow businesses, large and small, to do what they do best: grow, innovate, and hire new workers.

The bill we have before us today, the Jobs for America Act, includes provisions that have strong bipartisan support in both the House and the Senate.

The research and development credit, which has been around for over 30 years, is a proven way to incentivize U.S. companies to innovate, create new products, and invest in the U.S.

The United States is the only country that allows important pieces of its Tax Code to expire on a regular basis. Businesses cannot grow and invest when the Tax Code is riddled with instability and uncertainty.

Making the R&D tax credit permanent also supports good-paying jobs. According to the National Association of Manufacturers, 70 percent of research and development credit dollars are used to pay salaries of R&D workers.

The nonpartisan Joint Committee on Taxation estimates that making the R&D credit permanent could increase the amount of research and development American companies undertake by up to 10 percent. That translates into more workers, higher wages, and increased innovation here in the United States.

This bill would also make permanent bonus depreciation and section 179 expensing at higher levels, allowing businesses, farmers, and ranchers to plan for the future and expand their businesses. The result of that is more jobs and higher wages for hardworking Americans. The Tax Foundation analysis found that permanent bonus depreciation would add $182 billion to the economy and increase wages by 1 percent, which creates 212,000 jobs.

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Additionally, the bill would make permanent several expired tax provisions that benefit S corporations, a popular and important business structure that is used by millions of small businesses across the country.

This commonsense effort will give small businesses some much-needed relief from the burdens of the Tax Code, allowing them to invest and create new jobs.

This bill would also repeal some of the job-killing provisions of the health care law. The current 30-hour rule in the Affordable Care Act's employer mandate results in fewer jobs, reduced hours, and less opportunity for Americans.

By changing the definition of ''full-time work,'' ObamaCare places an unprecedented government regulation on workers. As a direct result, Americans across the country are having their hours cut at work and seeing smaller paychecks. At a time when the cost of groceries, gas, and health care keep increasing, lower paychecks are simply unacceptable.

Worst of all, the law hits lower-income Americans the hardest: 2.6 million workers with a median income of under $30,000 are at risk of losing jobs or hours; 89 percent of workers impacted by the rule don't have college degrees, 63 percent of which are women; and over half have a high school diploma or less.

So simply restoring the definition of ''full-time work'' to 40 hours will ensure the hardest-working Americans don't see their hours and wages cut as a result of the health care law.

This bill also ensures that small businesses that hire veterans returning from service overseas, who already have coverage through TRICARE or the VA, are not counted under the employer mandate.

And we repeal the onerous medical device tax, which is stifling medical innovation and hurting jobs. According to a survey by AdvaMed, the medical device tax has already resulted in 14,000 jobs lost in the industry and prevented 19,000 jobs from being created. This tax is contributing to lackluster job creation and hampering medical innovation.

We have strong bipartisan support for repeal of this tax, and for repealing it before even more detrimental harm is done to the workforce and medical community.

These are only a few among a long list of policies that will ultimately get Americans back to work and increase their quality of living. With better jobs, higher take-home pay, and a stronger economy, we can offer a brighter future for our youth and ease the everyday burdens felt by individuals nationwide.

It is time to create an America that works.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I might consume.

It is awkward and embarrassing to stand on this floor to discuss something described as a Jobs for America bill.

Fortunately, we Democrats don't have to expend too much energy because of the lack of credibility that the majority party has with any type of legislation designed to help those people who are without employment.

The irony of this whole thing is that our distinguished chairman spent hours, days, weeks, and months putting together a tax reform bill that, even though it could be challenged in parts, all tax writers and people who respect the necessity of reforming the Tax Code lauded him for the work, the fairness, and, most of all, the lack of partisanship that went into that bill.

Indeed, many of the provisions that are in this bill that could better be described as an opportunity for corporates to avoid paying taxes, many of those provisions in this bill were repealed in the chairman's bill that he presented to the Congress to be considered for reform.

Let me strike that from the record. He did not bring it to the floor for it to be considered for anything. It was a strong political statement that he knew the majority of his party would not support.

Having said that, it was a fine piece of legislation that gained support by eliminating the very same violations of equity and fair play that are now in this bill.

$500 billion tab. $500 billion cost, not paid for, not a promise to pay for. And half of this is to make permanent the extension of bonus appreciation, which all economists, including those in the Congressional Research Service, say that in order to be effective, it should not be made permanent.

In any event, I think, as we go home, we should recognize that there will be opportunity when we come back to really get together and have an effective bill.

To do this, the Republican majority should not bring to the floor bills that have passed the House and been rejected already by the Senate, but should sit down with the administration, with the Senate, with the minority in the House and work out something that is for the good of all Americans.

This happened yesterday, where we had honest, serious disagreements. But at the same time, we came together as a Congress in the House at least on what is good for the country.

So, quite frankly, I don't think I will be using all of my time because what is before the House today is not a jobs bill but a public relations piece of political advertisement.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding, and I very much appreciate his leadership on this issue.

In every State across this country, and most certainly in the Commonwealth of Virginia, there are folks still looking for good full-time jobs and businesses who want to hire them but can't for fear of government imposed regulations that increase expenses.

The administration's tax, regulate, and spend response to this problem hasn't worked, and it is incumbent upon us to enact necessary reforms to restore the American economy.

The legislation we consider today includes many provisions to combat excessive regulations that have already been passed by the House of Representatives and await action in the Senate, which has been moribund in dealing with a whole host of issues that are sitting over there on the majority leader's desk, including provisions to restore the 40-hour workweek, to permanently ban taxation of Internet access, to prevent secret settlement deals between Federal bureaucrats and pro-regulatory plaintiffs in lawsuits, to require bureaucrats to consider the cost of regulations to small businesses, to require agencies to adopt the least costly method of implementing the law, and to require Federal agencies to submit major regulations to Congress for approval. We know these provisions will help spur our economy and create jobs.

America's labor force participation rate has essentially remained stagnant for the past several months and job creation and economic growth continue to fall short of what is needed to produce a real and durable recovery in our country. It is imperative that we again take action to pass these commonsense reforms, return discouraged workers to full-time jobs, and restore America to prosperity.

I urge the Senate to stop stalling and to join us in this effort.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

If we were serious about passing a bill that has been rehashed in this House and no action has been taken upon it, common sense and reason would dictate that we would work with the Democrats, work with the Senate, and work with the President to get one passed.

This bill transcends over eight or nine different legislative committees, and the ranking member—one who has so much jurisdiction over this issue—would share with the House and the country what parts of this bill she believes would create jobs, if any part.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank Mr. RANGEL for yielding.

Mr. Speaker, I rise to oppose H.R. 4, the so-called Jobs for America Act.

Six years ago this week marked the collapse of Lehman Brothers. That bankruptcy on Wall Street quickly spread across our country, bringing small business lending to a halt, causing a devastating number of foreclosures, and pushing far too many of our fellow Americans into personal bankruptcy.

In the wake of this devastation, Democrats in Congress worked diligently to put in place serious and comprehensive safeguards to prevent another collapse. And, today, my Republican colleagues continue their hard work to thwart that effort and roll back meaningful reform.

Indeed, this bill, H.R. 4, places significant additional administrative hurdles on our Federal regulatory agencies, particularly on our independent financial regulators, like the Securities and Exchange Commission and the Commodity Futures Trading Commission.

Certain provisions of this bill would impose requirements on our financial regulators to conduct onerous cost-benefit analysis, to submit their rules for review to the Office of Management and Budget, and to delay effectiveness of major rules until Congress enacts an unprecedented joint resolution.

Not only would these provisions limit the independence of our Wall Street sheriffs, it would also tie up their already insufficient resources and put them at even greater risk of litigation for every rule. In fact, this bill would create a constitutional crisis by allowing the ''do-nothing'' Republican Congress to intervene in the actions of our executive branch, which is diligently trying to implement critical portions of the Wall Street Reform Act.

The effect of this legislative effort would be to grind to a halt all meaningful regulation on everything from payday loans to mortgage services to the types of risky trading that caused the 2008 crisis. And, ironically, it would stop JOBS Act implementation dead in its tracks. Worst, this comes at a time when House Republicans want to hold funding for our financial regulators flat, despite their new responsibilities, the increase in the number of entities they oversee, and the growth in the complexity and size of U.S. financial markets.

With our economy still recovering from the $14 trillion financial crisis, we simply cannot, under the guise of so-called ''job creation,'' afford to destroy crucial reforms and hamstring our financial regulators.

I enter the following letter of opposition from Public Citizen into the RECORD.

PUBLIC CITIZEN,
Washington, DC

A VOTE FOR THE ''JOBS FOR AMERICA ACT'' IS A VOTE AGAINST PUBLIC HEALTH AND SAFETY

Republicans will have you believe that a vote for H.R. 4, the ''Jobs for America Act,'' is not a vote against clean air and water, against food safety, against safe consumer products, against safe workplaces, and against a stable financial system less prone to excessive risk-taking. But that is false. The Impact of the ''Jobs for America'' Act is clear and simple: it will lead to more polluted air and water, more dangerous workplaces, more tainted and contaminated food, more dangerous workplaces, and a deregulated Wall Street allowed to gamble our economy into the next financial crash. By taking regulators ''off the beat'' and preventing them from updating and modernizing basic health and safety protections, the public is once again dependent on Big Business to ''self-regulate.'' Our public has seen the disastrous impact of letting industry regulate itself whether it's the BP Gulf Oil Spill, the West Virginia Chemical Spill, The Upper Big Branch Mine explosion, oil train derailment explosions, or the Wall Street financial meltdown. The solution is not to make our public even more vulnerable to deregulatory disasters that put Americans in harm's way and damage our economy as the ''Jobs for America Act'' would do.

THE ENORMOUS COSTS OF DEREGULATION

a. West Virginia Chemical Spill: those who were hurt by the damage caused by the spill are claiming 160 million in damages from the spill. These include small businesses in Charleston who were forced to shut down for days and the many thousands of residents who were forced to buy bottled water because of the severe water contamination. http://www.insurancejournalcom/news/southeast/2014/08/12/337282.htm

b. Lake Erie Algae Bloom: a half million Ohio residents were forced to buy bottled water because their water had become so badly contaminated from algae. In 2008, the government estimated algae blooms resulted in 82 million dollars annually in economic damages: http://www.cop.noaa.gov/stressors/extremeevents/hab/current/econimpact 08.pdf the damage to Lake Erie can be directly traced to successful attempts to roll back the Clean Water Act by special interests. http://www.foodandwaterwatch.org/blogs/the-toledo-water-crisis-wont-be-the-last/

c. Oil Freight Train Explosions: Trains carrying highly explosive crude oil are traveling through communities every day without most of those communities even aware of the threat. A massive oil train derailment and explosion in Canada killed 47 people and will cost 2.7 billion in economic damages over the next decade. http://bangordailynews.com/2014/04/17/news/state/after-end-of-the-world-explosion-Quebec-town-tries-to-find-hope/

d. Preventable Workplace Deaths and Injuries: Every day, an average of 150 workers die from job injuries or occupational diseases. Every year, the lack of effective workplace safety protections costs our country 250 billion to 330 billion in injuries and illnesses. http://www.aflcio.org/content/download/126621/34645631/DOTJ2014.pdf

e. Climate Inaction: Blocking or delaying new carbon emission rules from the EPA and other climate change measures will cost our country up to 150 billion dollars annually in economic damage in the future. http://fortune.com/2014/07/29/white-house-in-action-on-climate-costs-150-billion-a-year/

f. BP Oil Spill: This massive environmental disaster in the Gulf ended up costing more than 42 billion dollars. The oil spill harmed thousands of Gulf Coast residents and destroyed many local small businesses. BP has now been found ''grossly negligent'' in causing the disaster and faces up to 18 billion in fines, some of which will go to Gulf Coast restoration projects. http://www.edf.org/blog/2014/09/05/bp-oil-spill-ruling-could-jumpstart-gulf-coast-restoration-work

g. 2008 Wall Street Crash: The rampant deregulation that led to the crash cost our economy anywhere from 6 trillion to 14 trillion dollars or 50,000 to 120,000 for every US household. In addition, 8.7 million Americans lost their jobs during or immediately following the crisis. http://ourfinancialsecurity.org/blogs/wp-content/ourfinancialsecurity.org/uploads/2012/09/Costs-of-The-Financial-Crisis-September-20142.pdf

THE ''JOBS FOR AMERICA ACT'' WILL NOT CREATE A SINGLE JOB

The bill trades on the fallacy that deregulation leads to job growth by freeing up capital to invest in labor. There is simply no neutral, non-partisan empirical evidence to back this up. In fact, journalists and academics who have thoroughly studied this claim have concluded that regulations have no overall effect on job growth. The claim that regulations kill jobs is the very definition of a baseless and fabricated talking point.

A thorough investigative report by the Washington Post concluded that regulations

have no effect on jobs (highlights below): http://www.washingtonpost.com/business/economy/does-government-regulation-really-kill-jobs-economists-say-overall-effect-minimal/2011/10/19/gIQALRF5IN story.html.

Conservative thinker Richard Morganstern (Resources for the Future): ''Based on the available literature, there's not much evidence that EPA regulations are causing major job losses or major job gains.''

Mike Morris, CEO of AEP, one of America's largest coal-based utilities even admitted EPA regulations will create jobs: ''We have to hire plumbers, electricians, painters, folks who do that kind of work when you retrofit a plant'' Morris said. ''Jobs are created in the process—no question about that.''

A recent and exhaustive exploration of the ''job-killing regulation'' claim by Academics from across the political spectrum concluded that regulations have no net impact on jobs: http://www.upenn.edu/pennpress/book/15183.html

The editors of ''Does Regulation Kill Jobs?'' Cary Coglianese and Christopher Corrigan conclude: ''the empirical work suggests that regulation plays relatively little role in affecting the aggregate number of jobs in the United States.''

BIG BUSINESS ''JOB-KILLING'' CLAIMS ARE ALWAYS WRONG

Big Business groups have been making hyperbolic claims about regulations killing jobs for decades and it never comes true. Not only is this talking point patently false, but it also never dies despite being proven wrong every time. The following examples are from Public Citizen's recent report, ''It's an Outrage: Regulations are Entirely to Blame for Unemployment and a Leading Cause of Death, According to Industry and Allies'' http://www.citizen.org/documents/regulations-are-to-blame-unemployment-death-report.pdf

1974: OSHA bans the carcinogenic vinyl chloride. The plastics industry claimed that the OSHA regulation would kill 2.2 million jobs. Those claims were proven completely false and a new way manufacture vinyl chloride was developed within a year without any jobs lost.

1975: NHTSA increases fuel efficiency standard. Industry reports warned of 1.5 million jobs lost. By 1985, auto makers had met the higher standard without losing any jobs.

1990: EPA sets new pollution standards under the Clean Air Act. In response the Business Roundtable (BRT) and National Federation of Independent Business (NFIB) responded with doomsday hysterics, claiming up to 2 million jobs would be lost. Those were proven entirely wrong. Instead, according to the Investor's Business Daily, ''Pollution has been falling across the board for decades, even while the nation's population and economy have expand

1995: EPA removes lead from gasoline. A Monsanto official testified to Congress that the regulation would cost up to 43 million jobs. The removal of lead is now considered one of the biggest public health success stories while gas prices did not dramatically increase and no jobs were lost.

THE NEW INDUSTRY-FUNDED STUDY ON REGULATIONS DOESN'T PASS THE LAUGH TEST

The study just released by the National Association of Manufacturers (NAM) is not worth the paper it is printed on. NAM turned to discredited economists whose last study was so poorly done and inaccurate that it was roundly criticized by observers in bipartisan fashion, including by the CRS, Republican economists, and then OIRA Administrator Cass Sunstein. The study brought so much negative attention that the agency which commissioned it, the Small Business Administration, had to formally and publicly disavow it.

Business Media Push Industry-Funded Study On Federal Regulations Experts Call ''Bogus'': Reuters and CNBC uncritically promoted a new report claiming that government regulations cost the economy over $2 trillion each year, ignoring any benefits of regulation. But the study uses the same flawed methodology as an earlier report by the same authors that was so widely panned that even the organization that commissioned it distanced itself from it. http://mediamatters.org/research/2014/09/11/business-media-push-industry-funded-study-on-fe/200732

NAM's ''Cost of Regulations'' Estimate: An Exercise in How Not to Do Convincing Empirics: The bulk of these costs (75 percent) are estimated using a cross-country regression analysis. This cross-country analysis, however, is completely unconvincing and should be ignored. http://www.epi.org/bloginams-cost-regulations-estimate-exercise/

THE ''JOBS FOR AMERICA ACT'' IS A BROKEN RECORD

The ''Jobs for America Act'' is just a repackaging of the same old and tired legislation that the House has already passed. Each of these bills, if enacted, will significantly exacerbate the current problems in our regulatory system. Collectively, these bills amount to a virtual shutdown of our system of public protections by blocking federal agencies from responding to public health and safety crises and putting forth strong new safeguards to prevent the next one.

1. Regulations from the Executive in Need of Scrutiny Act (REINS, HR): This bill is a blatant power grab by the House GOP. Requiring Congressional approval of regulations before they take effect means, in practical terms, that the House GOP can unilaterally veto any regulation it opposes. Even Congressional inaction would kill a regulation. This is a recipe for extending the same paralysis and dysfunction that has plagued our lawmaking process to the regulatory process.

2. Regulatory Accountability Act (RAA, H.R. 2122): This bill would re-write dozens of critical public health and safety laws, including the Clean Air Act, to require agencies to choose safety standards not based on whether they are the most effective but on whether they are the least burdensome to regulated special interests. This bill is a backdoor way of gutting laws that the GOP knows are too politically popular to overturn directly.

3. Regulatory Flexibility Improvements Act (RFIA, H.R. 2542): This bill is a small business bill in name only. It does nothing to help small businesses directly. Instead, it would delay or block rules that in many instances disproportionately impact Big Business. For example, the bill requires agencies to consider the ''indirect'' effects of their rules on small businesses without ever defining what constitutes an ''indirect'' effect. Ordering an agency to discern all indirect economic impacts of any rule, however small, is akin to ordering a meteorologist to discern the effects on Washington, D.C. weather of a butterfly flapping its wings in Japan. Even worse, agencies could be sued by industry for not complying with this wholly undefined mandate. Agencies will be forced to waste precious time and resources looking for small business impacts where there clearly are none. In the meantime, lives could be lost and people could be needlessly injured.

4. Unfunded Mandates Reform Act (UMRA, H.R. 899): Once again, this legislation forces agencies to pick the least costly rule to industry, rather than the rule that is most effective at keeping the public safe. It also undermines the independence of important agencies that are working to put new Wall Street reforms and product safety standards in place. Ironically, the new mandates in this bill do not come with any additional funding for agencies, making them the very definition of ''unfunded mandates.''

5. The Sunshine for Regulatory Decrees and Settlements Act (H.R. 1493): This legislation targets citizen suits aimed at spurring agencies to move forward with overdue and congressionally mandated protections. Consent decrees and settlement agreements have long been an effective tool to provide citizens and the courts with a means of ensuring that Congressional mandates are implemented, whether they are new environmental safety standards or civil rights and antidiscrimination measures. This bill would force them to run a gauntlet of burdensome, time-consuming, and redundant procedures—furthering slowing agency action. This bill would weaken the power of citizens to ensure agencies follow the law—and waste government resources in the process.

6. The All Economic Regulations are Transparent (''ALERT'') Act (H.R. 2804): This legislation would add a blanket six-month delay to most rules essential to protecting the health, safety, and welfare of the American public. When the norm is federal agencies missing Congressional and legal deadlines for new public protections, rather than meeting or beating deadlines, the last thing our public needs is more delays.

BOTTOM LINE

A vote for H.R. 4, the ''Jobs for America Act,'' is a vote against life-saving public health and safety standards and will put American lives at risk without creating any jobs. We need stronger public protections, not a weaker system of safeguards. We need better enforcement of health and safety and environmental rules, not more needless delays.

We urge you in the strongest terms to vote against the ''Jobs for America Act.''

Mr. CAMP. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS), the gentleman from the Natural Resources Committee.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend, Mr. CAMP, the chairman of the Ways and Means Committee, for yielding me the time.

Mr. Speaker, this jobs package includes important legislation, H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act, which passed the House almost 1 year ago today. It is a long-term sustainable solution to put Americans back to work, restore forest health, and prevent wildfires.

Our national forests, unless otherwise designated, should be open for multiple uses for everything from recreation to job-creating economic activities. Instead, Mr. Speaker, due to onerous Federal regulations and litigation, our Federal forests have increasingly been shut down.

Mr. Speaker, timber harvests have dropped by 80 percent in the last 30 years. We have seen catastrophic wildfires destroy our Federal forests. We have seen loggers, mill workers, and truck drivers put out of work, and we have seen rural communities turned into ghost towns.

It is long past time for the Senate to join with the House to provide better

stewardship over our Federal forest lands. It is disappointing and, frankly, unacceptable that a year later the Senate is still sitting on the sidelines. Meanwhile, rural communities continue to suffer.

This legislation requires responsible timber production on at least one half of the Federal Forest Service's non-environmentally sensitive timber lands.

□ 1430

By restoring active forest management, this bill will create over 200,000 direct and indirect jobs. It also maintains and strengthens the historic sharing of timber receipts with local counties which is essential, given the upcoming expiration of the Secure Rural Schools program.

Instead of having to pay for wildfire suppression, this bill would allow us to reap the benefits of a responsible timber harvest that reduces wildfire threats to our communities.

Mr. Speaker, Congress must act to restore the promise that the Federal Government made over a century ago to actively manage our forests and create jobs for the benefit of rural communities. Today, the House is, once again, living up to this promise. We hope that the Senate will join us and support this commonsense reform of Federal forest management.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Certainly, we all will be getting a lot of mail from the logging companies asking for this legislation in order to create jobs. I wish included in this package would have been the earned income tax credit, a bill that keeps people who work hard each and every day out of poverty by subsidizing their wages, but that is too much like creating jobs, and it is not in this package.

I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished and articulate Member who serves on the Judiciary Committee and has a ranking position on the subcommittee that has jurisdiction over part of this bill.

Mr. JOHNSON of Georgia. I thank the gentleman from New York.

Mr. Speaker, I rise in strong opposition to H.R. 4, the so-called Jobs for America Act. It brings to mind occasions where, as a youth, my sister and I would go to my uncle's house in Cleveland. My uncle's wife would prepare a lot of food, and we would sit down and eat. The food would taste terrible. We had a couple of more days to be there, and so we hoped for the best. The next day, when we sat down at dinner, we had leftovers.

This is what this bill reminds me of. It is a package of anti-consumer, anti-safety, anti-environment bills that the House has already passed. This omnibus legislation is emblematic of a Republican Party that lacks vision or direction for Americans that demand cooperation and leadership.

This bill smacks of a new Republican leadership that is still on training wheels, unable to work across the aisle to deliver real solutions to grow the economy and create jobs; but what is new from a Republican Party that voted dozens and dozens of time to defund and defeat the Affordable Care Act, the same law that is helping American families by keeping millions of young people—be they recent college graduates looking for their first job or students still in school—on their parents' insurance and out of a cycle of unpayable medical debt?

Well, Mr. Speaker, it is time for the training wheels to come off so that this Chamber can, once again, do the work of the American people.

There is a clear, unmistakable thirst in our country for cooperation, bipartisan solutions, and getting things done. The American people look to the House of Representatives for leadership, not one-sided messaging bills that this Chamber has already warmed up, served yesterday—it was bad—and, today, we are eating the leftovers.

This Chamber has already considered and passed these bills, and they have no chance, no hope, of becoming law. The so-called Jobs for America Act includes a number of dangerous bills straight from the wish list of industrial polluters and unsafe manufacturers. This legislation will not create a single job.

It exists only to minimize corporate accountability while maximizing the likelihood of dangerous, unsafe conditions in our homes, vehicles, workplaces, and throughout the environment.

It is time to work together to forge real solutions, Mr. Speaker, not the same dangerous legislation that this Chamber has already passed.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY), a distinguished member of the Ways and Means Committee.

Mr. KELLY of Pennsylvania. I thank the chairman for his great work.

Mr. Speaker, I rise in strong support of H.R. 4, and I will tell you why: the world is looking for the next great, emerging economy, and you know where it is? It is right here. It is us. It sits here, in this country.

We talk about the American people. What are they tired of? They are tired of political talk and not policy change that will get them back to work.

This morning, Mr. Speaker, 92 million Americans woke up and decided they weren't even going to go look for a job today because there is no hope in finding a job today. That is 92 million Americans.

Now, I don't know if they vote Republican. I don't know if they vote Democrat. I think they are getting to the point where they don't want to vote for either side because all they are asking is: work together to fix America.

The President of Ukraine came to the United States today to ask for help. He didn't go anywhere else in the world. He came here. Why did he come to the United States? Why did he come to America? Why, for centuries, have people come to America? For opportunity, for jobs, and to make their life better.

We sit and debate a jobs package, and we want to talk about politics. We don't want to talk about the policy of it; we don't want to talk about the opportunity that this country has always presented. Are you kidding me?

If there is dysfunction, it is in the Senate, where 360 pieces of legislation are on a table because one man stands in the way of this legislation, and it is the leader of the Senate.

If the American people—and I am not talking about Republicans or Democrats, I am talking about the American people—are to see what actually takes place in this great House, where so much policy has been driven in the past—please, get away from the politics; we are sick of it as a people.

The opportunity is off the charts. A new day is dawning. The only thing holding it back right now is the cloud cover that comes from Washington, D.C., where we refuse to create opportunity and, instead, create anger and we create dissatisfaction and we create confusion.

The American people sit back and say, ''Why me? Why now? Why here?'' That is the great question, ''Why?'' Does a reelection mean more than the redirection of this country?

After 6 years of waiting to see this great country emerge again with all the assets that we have been given—and they are gifts from God, but we haven't capitalized on them—the American people want something done.

This is a package of jobs bills, my friends. This gets America back to work, my friends. This makes America great again. This makes us who we are. This is the very fabric of who this country has always been, the greatest Nation in the world, always a defender of personal freedoms and liberty, but we can only do it when we have a dynamic and robust company.

It is time to stop talking politics and start talking policy. It is time to get America back to work. A new day is dawning, a new opportunity is waiting for us, and the greatest emerging economy the world has ever seen is sitting right here within our borders, and the only thing it is looking for right now is dynamic leadership and direction.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Pennsylvania, my friend, who eloquently mentioned how the Congress should and could be working more closely together. Again, I say that yesterday proved it.

I am certain that the eloquent gentleman from Pennsylvania would have to agree that, if we were passing bills in the House and they were not going anywhere, any legislator would have to find out why.

It would seem to me that we would go to the minority party, we would ask

to sit down with the Senate, we would work with the Department of Labor and the administration, and we would do that just before we were going home to attempt to get reelected.

I don't challenge the sincerity of the gentleman from Pennsylvania, but just bringing in bills that you know are not going to pass the Senate, bringing in bills the administration has already said that they would veto is not the way to success. It may be a good political statement, but it is certainly not the way to pass legislation.

I have the great honor to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), who has distinguished himself nationally in terms of being a legislator with a heart and common sense.

He is the ranking member of the Oversight Committee, that has attempted to show the entire country exactly what is going on and not going on in the Congress. I look forward to his eloquent remarks on this sensitive, important subject.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to H.R. 4. The special interest bills that make up this package have all passed the House before and went nowhere in the Senate. This is not just a waste of time, it is a waste of taxpayer money. Americans work hard for their money, and here we are wasting time, and everybody knows that.

This legislation is simply a gimmick. It hurts me to even say that, but it is, in fact, a gimmick. The Republican leadership in the House cannot fool the American people by passing the same bad bills over and over again.

Just because Republican leadership has slapped the word ''jobs'' on this bill does not change the fact that the bill will not create jobs, and they know that. We each represent 700,000 people. Those people have sent us here with the mission of making their lives better.

The legislation we are considering today will not help the people we represent. This bill would help big corporations.

Let me give you an example. Under this legislation, private companies would have the ability to weigh in on agency rulemakings before individual citizens and most other stakeholders. That means that oil companies could weigh in on drilling regulations before the American public even gets a chance to submit comments.

Another section of the bill would explicitly prohibit the Office of Information and Regulatory Affairs from taking into account benefits when providing total cost estimates for proposed and final rules as required by the bill.

The bill also contains numerous provisions to degrade the regulatory process and make it nearly impossible for agencies to take actions that protect our health, our safety, our air, our water, our food, and our environment.

This is a terrible piece of legislation, and I urge my colleagues to vote against it.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Thank you, Mr. Chairman, for your service in this great institution.

Mr. Speaker, we are here debating this jobs package because our economy is stagnant. Our unemployment rate hasn't fallen below 6 percent since this President took office 6 years ago.

Although growing the economy may not remain a number one priority for the Senate, it may not remain a number one priority for the President, I assure you it is for millions of Americans who can't find a job or who continue to look for that job promotion or who feel their paycheck isn't going as far as it should.

My bill, the Hire More Heroes Act, is not a waste of our time, is not a waste of taxpayer dollars, and it overwhelmingly passed this House with only one ''no'' vote. You can't get much more bipartisan than that, Mr. Speaker.

It is part of this jobs package because the Senate has yet to take up this bipartisan bill that would help our veterans. This bill will help incentivize small businesses to hire more of our heroes. It takes away a punitive punishment in ObamaCare.

We have been told that we can't change ObamaCare, but this bill does, and it does it because any veteran who gets their health care through the VA or TRICARE wouldn't count toward a small business' 50-employee limit which would, in turn, incentivize small businesses who create the jobs in this country to hire more of our veterans.

That is not a waste of taxpayer dollars. That is not a waste of time. Frankly, we need to do what we can to stop what ObamaCare has been doing to small businesses and disincentivizing them from hiring more people and, therefore, lowering our unemployment rate.

This jobs package is crucial. This jobs package is something that we in this House should continue to push. I would urge my colleagues on the other side of the aisle to make sure that they call their colleagues in the Senate and say, ''Pass this bill.''

□ 1445

Pass this bill. Do what is right. Help our veterans. Help Americans find jobs.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would not suggest to the distinguished gentleman from Illinois what he should be doing as a part of the majority, but if I had a bill as good as the one that he had, I certainly would not allow it to be included in this piece of political legislation. Because it would serve the veterans of this great country, I would say, give me a break and let the House and the Senate and the President give this legislation a chance.

But I am not in the majority, and I respect that you are doing the best you can with what you have to work with, and I respect you for that.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), who is the ranking member of the Budget Committee.

Most Americans know, like with our family, he has the responsibility to suggest to this august body exactly how much we are spending, how much we owe, and which is the best way to bring some balance to it, and I am so proud to be able to serve with him.

Mr. VAN HOLLEN. Mr. Speaker, I thank my good friend from New York for all his good work on these issues.

Just to underscore what he said with respect to Mr. DAVIS' proposal, we would love to have that proposal on veterans come before the floor as a stand-alone bill. Of course it has been wrapped into a much larger package that has nothing to do with jobs and everything to do with rewarding special interests at the expense of middle class families and taxpayers. It is a continuation of the failed strategy that responds to every economic challenge with more tax breaks to corporations and more breaks to folks at the very top of the economic ladder, the old, failed trickle-down theory of economics.

There is nothing to raise the minimum wage, nothing to achieve pay equity for women, nothing to invest in America's infrastructure or our education system. Instead, it is a collection of tax cuts that together would add $572 million to the deficit over the next 10 years—no attempt to offset that cost.

That is a lot of work in one afternoon, to add over half a trillion dollars to the deficit, totally in violation of the Republican budget that was brought to the floor.

Nor is this a bill that attempts to reform the Tax Code. I have great respect for the chairman of the Ways and Means Committee, and he did a credible effort in coming up with a reform plan. It wasn't perfect, lots of things that a lot of people don't like, but it was a credible effort.

This bill takes us in the opposite direction. When the chairman introduced that bill, the Speaker of this House ran away faster than anybody else from that proposal, and this proposal runs away from it as well.

Let me give you one example. The reform bill that was proposed by Mr. CAMP repealed bonus depreciation. This bill adds $270 billion to the deficit by making bonus depreciation permanent.

Mr. CAMP's proposal was revenue-neutral in the first 10 years. This one adds over half a trillion dollars to the deficit, and it doesn't close a single corporate tax loophole.

Look, if we are going to provide over a half a trillion dollars in tax breaks to large corporations, you would think that our Republican colleagues would at least deal with the issue of inversions, this sweep we see toward more and more corporations changing their

address offshore to avoid their tax obligations to the American people. But, no, nothing to deal with inversions. In fact, this bill rewards a number of companies that have recently engaged in inversions.

I want to call attention to section 701 of the bill because it says a lot about the priorities reflected on the floor today. That section repeals the excise tax paid by medical device companies that was put in place to help finance health care reform.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANGEL. I yield the gentleman from Maryland 30 more seconds.

Mr. VAN HOLLEN. So it repeals that—no effort to replace that. So it adds $26 billion to the deficit, just that provision. Not only that, but it repeals it going forward, and it also gives a rebate going backwards. So a company, Medtronic, which is right now moving its tax address overseas to avoid its tax obligations to the American people, is going to get a $200 million plus interest tax bonus.

So here is this bill in a nutshell: do nothing to boost the middle class.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RANGEL. I yield the gentleman as much time as he may consume to close.

Mr. VAN HOLLEN. So just to wrap this up, because I hope people will focus on this, the bottom-line message of this is: sorry to see you leave our shores, but you know what? As a goodbye present, we are going to hand you $200 million in tax breaks.

That sums up the problems with this bill, Mr. Speaker. I urge my colleagues to vote ''no.''

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say my friend from Maryland mentioned the Hire Our Heroes Act. That received virtually every Democrat vote and Republican vote on the floor but one. I certainly trust that the gentleman from Maryland has urged his two Democrat Senators in the Senate to take this bill up and pass it. It has been sitting in the Senate. It is blocked.

Certainly, we don't think those who fight for our country should be penalized when they come back to the United States in terms of getting their health care. This would certainly help tremendously, and it is something that has received large bipartisan support.

Every one of these provisions help create jobs, and certainly all of them have bipartisan support:

R&D, the research and development credit, 62 Democrat votes;

Section 179, extending, 53 Democrat votes;

The S corporation reform, 42 Democrat votes;

Bonus depreciation, 34 Democrat votes;

Repealing the 30-hour work week rule, 18 Democrat votes.

All of these have bipartisan support. They are all sitting in the Senate.

I heard the gentleman say maybe nothing is being done. Well, I would submit, my friends on the other side, other than voting for these bills, have done nothing to urge their colleagues who have the majority in the Senate to move something that will actually get people back to work and really bring the American Dream back in reach for millions of Americans, and it isn't now.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

And I wanted to also say, the gentleman from Maryland talked about a company, and I am not familiar with this company, but a company that is moving out of America because of our burdensome Tax Code. Does that not prove the point that we need tax reform as championed by Mr. CAMP, the chairman of the Ways and Means Committee?

We need a Tax Code that is competitive. This company is probably leaving to get away from a burdensome, complicated tax system that is killing jobs. Those jobs are going overseas. They need to stay in America.

Mr. Speaker, to create jobs, we have to have a Tax Code that is clear, fair, concise, one that creates jobs. But we also need a regulatory burden that does the same thing: one that is clear; one that is concise; one that uses cost-benefit analysis.

I can't understand why there are Members of the House that oppose cost-benefit analysis on new regulations. It is a matter of common sense, because our regulatory burden, as much as the Tax Code, is driving jobs offshore. We don't need that.

One of the things that was lost in the debate earlier that I find just mind-boggling is the ability to fight forest fires, of all things. As Smokey the Bear says, ''Only you can prevent forest fires.'' Well, I guess towards this administration he is saying, ''Only you can promote forest fires through your ridiculous regulatory climate.''

And then let me say this. To create jobs in America, we need to have competitive energy. We need to use American energy resources.

As somebody who represents four military installations, I know well that it is not a matter of cheap and abundant energy for manufacturing and traveling and transportation purposes. It is also a matter of national security. Because when we depend so heavily on Middle East oil and oil from unstable anti-American countries, what we are, in fact, doing is funding both sides in the war on terrorism.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. KINGSTON. We need to develop American energy, and that is what this bill does. It is commonsense tax reform, commonsense regulatory reform, and commonsense energy reform.

I am appalled that the United States Senate has not had time to take up one of these bills. And, as Mr. CAMP just outlined, as a matter of public record, the number of Democrats who have supported these pieces of legislation, we need to get the Senate moving.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Maryland to inform the gentleman from Georgia more about these corporations that are attempting to flee the United States, I would like to have good news for the distinguished chairman of the committee that this veterans bill has been so popular on the other side of the Capitol that it appears as though it is included in a Senate bill and, as we talk, is actually being attacked by the Republican minority on the other side. So, at least as relates to the veterans, if we can take it out of this hodgepodge that has politically been put together, maybe collectively we can do something for our beloved veterans.

As far as the gentleman from Georgia is concerned, he had a problem in identifying the U.S. company that is going to receive a bonus, that is fleeing their tax obligation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN) so he can help clarify those issues to explain exactly how this provision is costing us.

Mr. VAN HOLLEN. Mr. Speaker, I thank my friend.

Look, the Joint Tax Committee has suggested that if we don't deal with this problem of corporations changing their tax address to escape their responsibilities to the citizens of this country, it will add $20 billion to the deficit, which taxpayers will have to make up.

I just want to emphasize the point the gentleman made because Mr. CAMP has called upon Senate Democrats to vote on the Hire Our Heroes bill. In fact, that bill is in the Senate 2-year extender bill in the United States Senate, which is currently being blocked and filibustered by our Republican Senate colleagues.

I would also point out that the cost of that bill, which we all accept, is $700 million added to the deficit. You are now putting it in a package with all sorts of corporate giveaways that doesn't cost $700 million but, together, costs $573 billion to the deficit, all in an afternoon's work.

Mr. Speaker, this is an irresponsible bill. We should vote ''no.''

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. YOUNG), a distinguished member of the Ways and Means Committee.

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to speak in support of H.R. 4, the Jobs for America Act.

The undeniable fact is the U.S. House has passed more than 40 individual jobs bills, sent them to the Senate, and

they remain untouched by the Democratic majority leader.

Many of the jobs proposals included in this broader package, H.R. 4, have bipartisan support and include commonsense ideas like extending the section 179 tax benefits for small businesses, helping our veterans get back to work, and a repeal of the medical device tax.

Medical device companies, in particular, play an integral role in my home State of Indiana and our economy—more than 71,000 jobs and $44 billion in personal income on account of the industry—and I hear every day how this tax has stifled innovation and led to a decrease in jobs for my fellow Hoosiers.

In 2013, 79 Senators, many of them champions of ObamaCare, took a symbolic vote to eliminate that tax. I hope that the Democrat-controlled Senate will move beyond political symbolism—and for many, political self-preservation—and vote to repeal this tax on innovation, job creation, and patient care.

Finally, I am pleased that two pieces of legislation which I authored are included in H.R. 4. The Save American Workers Act, which is also bipartisan, would simply change the definition of full-time employment within ObamaCare from 30 hours back to the traditional definition of 40 hours.

□ 1500

Now, 40 hours is what everyone agrees is full time, so let's not further harm small business employees, school cafeteria workers, adjunct university professors, and other hourly workers with this arbitrary change in the definition of ''full time.''

Also included is the REINS Act. This bipartisan bill aims to relieve much of the regulatory burden on our Nation's small- and medium-sized businesses and on all Americans who benefit from affordable goods and services.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. YOUNG of Indiana. The legislation ensures that, when unelected, unaccountable bureaucrats in Washington enact rules and regs that impact our economy, these regulations will be voted on by Congress to ensure that your elected Representatives are held accountable for the laws our constituents are subjected to.

I respectfully urge the American people to take a very close look at H.R. 4 and to demand that the Democratic-controlled Senate bring these bills up for consideration so we can enable people to get back to work and see their personal incomes grow.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a hardworking gentleman on the Ways and Means Committee, one who has been outspoken on all of the issues that concern national security as well as the protection of our economy.

Mr. DOGGETT. I thank the gentleman.

Mr. Speaker, House Republicans are shutting down this House early today, and they are shutting it down with the same happy talk and tax cut hocus pocus that they began this Congress with 21 months ago, last January.

That is when Speaker BOEHNER reserved H. Res. 1 for a form of Miracle-Gro. They were going to sprinkle around Miracle-Gro tax cuts—more special interest tax breaks on everyone—and they would grow money faster than it could grow on trees. They have given us so much talk and so many press conferences about how they would do away with all of these complex special interest provisions that Republicans have spent years writing into law for their buddies—into their Tax Code—and we would all have brighter smiles and, certainly, fatter wallets. All of that joy, all of those wonders, would be accomplished debt free. We wouldn't have to borrow another dime from the Chinese or the Saudis or from whoever would lend it to us. We would get all that and more with their proposal.

Unfortunately, their old time medicine show started brightly, but it fizzled out rather quickly.

No Democrat stood in the way of their introducing and voting in the Ways and Means Committee on a tax cut Miracle-Gro elixir. There is no reason they couldn't have brought it out here on the floor on any day the Speaker wanted to consider Miracle-Gro. Yet we are here today, closing out, and H. Res. 1 says on the Republican Web site that it is still reserved for the Speaker, as is most attention to any major issue in this country reserved, because these folks don't want to work here in Washington. Instead, we get to this sorry bill today that is before us that provides more debt, more complexity, and more sweetheart deals.

When we consider the difficult budget choices, Republicans claim that we just don't have enough money. As much as they would like to provide full funding for Alzheimer's research, for cancer, for multiple sclerosis, for diabetes, for Parkinson's, we just don't have the money. We would like to do more to prevent the many forest fires that are spreading across the country—wildfires of all types—and provide the National Weather Service better funding to deal with the dramatic changes in our climate and our weather, but we just don't have the money to do that.

And what about our roads and bridges? We can't figure out a way to fund them, even to this time next year, because we just don't have the money.

Yes, we would like each child to be able to accomplish their full, God-given potential, but we just can't afford to fund from pre-K to post grad. But somehow we can afford more Miracle-Gro today—$500 billion taken right out of the debt, added to the debt.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANGEL. I yield the gentleman an additional 2 minutes.

Mr. DOGGETT. I am for—and I know the gentleman is for—a pro-growth, pro-job creation set of government policies that focus on workforce development, on having the research in medicine and technology not only to find cures but to produce another round of jobs.

If we lack the Federal resources to do that, we certainly don't have the Federal resources today to hand out one bonus after another, as their bill does, to corporations with special interest provisions that will ultimately fail our economy.

This bill that we have does everything that they said their tax elixir would not do. It borrows money from many to give money to a few who already have the most. This represents the first installment in new national debt, a big chunk of the more than $1 trillion that these Republicans told us they wouldn't bury us in, but they proposed the first big installment today. They continue a Tax Code that is riddled with special interest tax preferences and giveaways while making a bonus depreciation provision that even failed as a temporary stimulus measure.

The only jobs that this bill is really designed to protect—and the reason that it is here right now before they rush to the airport—are the jobs of the Republican Members of this House of Representatives, and they sure do a good job of trying to accomplish that.

We ought to reject this package that is motivated solely by a looming election for a Republican majority whose biggest contributions to job creation in America have cost us dearly. They stand steadfast against the proposal that the U.S. Chamber of Commerce and one business group after another tells us will grow this economy—that is immigration reform—because they can't overcome the Know Nothings within their party who stand against the reform that we know would grow so many jobs.

Of course, their major accomplishment that they can point to right now out of this Congress was when they put the country on Cruz control, and it cost us $24 billion in economic growth. Reject this bill.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank Chairman CAMP for his leadership on this bill. I thank Chairman HENSARLING for his leadership on the issue that I rise to speak about today.

Mr. Speaker, I rise to support the Jobs for America Act, H.R. 4.

In Virginia's Fifth District, our district, there are literally thousands of jobs that exist because of private equity investments. These critical investments allow our small businesses to innovate, expand their operations, and create the jobs that our communities need.

Unfortunately, Dodd-Frank has placed the costly and unnecessary regulatory burden of SEC registration on advisers to private equity while exempting advisers to similar investment funds. These registration requirements do not improve the stability of our financial system, and they restrict the ability of private equity to invest capital in small businesses, which would spur job growth.

Instead of complying with costly SEC registration, private equity should be encouraged to focus on investing capital in companies such as Virginia Candle, a company in our district that, through private equity investment, expanded from a garage in Lynchburg to millions of homes across the world.

That is why I, along with my colleagues Representative COOPER and Representative HIMES, introduced the Small Business Capital Access and Job Preservation Act, a provision of H.R. 4 which previously passed the House with bipartisan support.

Unfortunately, the Senate has failed to consider this and dozens of other House-passed jobs bills. At a time when unemployment in Virginia's Fifth District is still too high, the Senate needs to join us immediately in enacting pro-growth policies to spur job creation for our communities.

I ask my colleagues to join me in supporting H.R. 4 to increase the flow of private capital to our small businesses so they can innovate, grow, and create jobs for the American people.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND), my friend and a distinguished, eloquent member of the Ways and Means Committee.

Mr. KIND. I thank my friend for yielding me this time.

Mr. Speaker, I am not quite sure if I have been living in a parallel universe over the last few years, but I thought there was genuine concern in this body about getting a grip on our budget deficits, about trying to get our fiscal house put back in order. Yet here we are, in the eleventh hour, before they cut us loose for the fall campaign season, and we have another bill pending before this body that costs $573 billion—with a B—with not a penny of offset, with not a dime of it paid for. Then people wonder where these budget deficits come from.

What is unfortunate is some of the policy proposals in this legislation I actually support. We have got five bills coming out of the Ways and Means Committee with some permanent changes to the Tax Code that I happen to agree with, whether it is the R&D—research and development—tax credit; the 179 expensing; the S Corp Modernization bill, which is a bill that I and my friend from Washington State (Mr. REICHERT) introduced earlier this year to help with the S corporation businesses in this country; the bonus depreciation; and the repeal of the medical device tax—again, legislation that I and my friend from Minnesota, ERIK PAULSEN, had introduced because we didn't think it was a good idea for us to be taxing our domestic medical device manufacturers, especially on a pre-revenue basis.

I always believed that, with these changes being made, they should be offset, that they should be paid for. That is the fiscally responsible approach to take, and yet we have a $573 billion bill with not one offset. This is following on the heels earlier this year of 15 permanent changes to the Tax Code being reported out of the Ways and Means Committee, at a cost approaching $1 trillion, with none of it being offset.

I would submit that, if we went forward on that type of policy prescription, we might as well forget about comprehensive tax reform because we wouldn't have any tools left to do anything with.

I give the chairman of the committee, Mr. CAMP, who is going to be retiring at the end of this year, a lot of credit for having the guts to come out with a discussion draft on what comprehensive reform should look like. In that draft, he was making some tough decisions. He was finding offsets to lower rates and simplify the Tax Code in order to help us be more competitive in the global marketplace. That is not what is being done here today.

I would request with the Republican leadership that, instead of cutting us loose today, what we ought to be doing is staying in longer and working on a true innovation agenda for our Nation, one that invests in quality educational opportunities for all of our students and good job training programs for workers in transition or for those looking to upgrade their skills so they can be competitive in the global marketplace, the crucial investments we have to make in broadband expansion, basic research funding through NIH and NSF grants and infrastructure modernization in this country, that is long overdue. We know we have to do it. Let's do it now when we need the jobs. That would be a true jobs package that, I think, we could rally around so as to get this economy humming again.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANGEL. I yield the gentleman an additional 1 minute.

Mr. KIND. Rather than this dog and pony show and the message piece that is before us today, right before the November 4 elections, I think the American people are a lot smarter than what some people give them credit for. They know we have a fiscal problem that has to be addressed, and I think most people would realize that, by coming forward with yet another bill at a cost of $573 billion, with no offsets and no pay-fors, it is only going to make the situation worse and truly jeopardize the economic opportunities for our children and grandchildren in the future.

Instead of coming out with this legislation today, which is a grab bag for powerful special interests, let's do the tough, heavy lifting that needs to be done. Let's make these policy changes but in a fiscally responsible way, by finding offsets in the code to pay for them, so we can get our fiscal house put back in order and create the good-paying jobs that America needs today.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say to my good friend from Wisconsin that that was part of the story. Many of these provisions that are bipartisan job-creating provisions have been extended time and time again without being ''offset,'' without being ''paid for.''

Look at the research and development tax credit. It has been extended 15 times over a 33-year period. It has never been paid for, but it is temporary, so it doesn't have the impact on innovation and research and development. That is what drives economies. That is what grows jobs.

Let's make this permanent. Let's not be the only nation in the world with a temporary tax policy. Then we wonder why we are not growing. Then we wonder why median incomes are flat or are declining. Then we wonder why people aren't achieving the American Dream.

Some of my friends have talked about the Senate. They didn't pay for this. What did they do? They extended some of these policies backwards a year and forward 1 year. How can anyone decide to hire a worker, to build a new building, to buy equipment, to start a new production line on 1 year of policy? This is about permanency, and it is about growing jobs.

I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

□ 1515

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, Americans have been pleading for Congress to take action to spur economic growth and create jobs. And the House has repeatedly acted to pass bipartisan legislation to get people back to work, and we are doing so once again today.

Today in this jobs bill is a provision that I authored to repeal the destructive medical device tax. It is destructive because it is a tax not on profit but on sales.

The medical device industry directly employs more than 400,000 people across the country, including 35,000 jobs in my home State of Minnesota. These companies create the lifesaving and life-improving technologies for our patients.

But, because of the President's new health care law, the device industry is now facing one of the highest effective tax rates in the world. This device tax has already resulted in the loss of 33,000 American jobs. That is the equivalent of the entire Minnesota medical device industry being wiped off the map. Another 132,000 jobs are expected to disappear or now go overseas. And these are good-paying jobs, Mr. Speaker—$60,000 to $80,000 per job. Eighty

percent of these companies are small businesses, employing 50 people or less.

I asked one company that I recently visited, with 60 employees: What does the device tax mean to you? It means I have six projects now instead of 10 projects; I will have two fewer engineers and two fewer technicians.

Another Minnesota company that I recently talked to with 20 employees that is not yet profitable told me that now they are borrowing—they are borrowing—$100,000 a month just to pay the tax. That is crazy.

So companies are cutting back on their research and development. Venture capital is disappearing. And we are seeing less innovation.

The bottom line is, this device tax is so poorly conceived, it kills jobs, it is stifling lifesaving and life-enhancing innovation, and both Democrats and Republicans in the House agree on this.

My legislation to repeal this harmful tax has 275 coauthors in this body, 46 of whom are Democrats. There is overwhelming bipartisan support to repeal this job-killing tax. But we need the Senate to take action. We need the Senate to stop blocking this bill from moving forward. That way, we can get this done.

It is time, Mr. Speaker, to come together to protect American jobs by repealing the device tax.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), one of the hardest working members of the Ways and Means Committee.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from New York for yielding.

I rise in strong opposition to H.R. 4 because it adds over $500 billion in permanent corporate tax giveaways that could end up causing 1 million hardworking Americans to lose their employer-provided health coverage and do nothing to help the tens of thousands of my constituents and tens of millions of Americans who are experiencing deep poverty, unemployment, and economic distress.

I cannot support adding over $500 billion to our deficit for permanent handouts to big corporations while 3.3 million long-term unemployed go unaided, while repairs and renovations to our Nation's infrastructure are threatened, while the Medicare doctors' fix goes unresolved, and while irrational budget cuts strangle education, health, research, and innovation.

This bill marks the height of Republican irresponsibility on both fiscal and policy grounds. I ask, how many millions of low-income students could complete college using Pell grants with just a fraction of the cost of this bill? How many long-term unemployed could pay their rent or provide food for their families with even a tiny amount of the cost of this bill? How many more small businesses could receive investment grants or critical low-cost loans?

Our government, yes, has the responsibility to advance policies that create jobs, strengthen our citizens, and grow our economy, not ones that undermine the health and well-being of Americans and advance the wealthiest among us at the expense of the struggling.

I will vote ''no'' on this sham jobs-creating bill.

Mr. CAMP. I am prepared to close, so I reserve the balance of my time.

Mr. RANGEL. I yield myself the balance of my time.

Mr. Speaker, as we close out on this bill, I would like to enter into the RECORD a report by the Center on Budget and Policy Priorities. This is an objective report on the subject that we have just talked about, and that is whether or not the Affordable Care Act has caused a loss in full-time jobs. This report clearly shows that we have had a rise in full-time work in connection with the health care reform bill.

[From Off the Charts, Sept. 17, 2014]

CENSUS REPORT SHOWS RISE IN FULL-TIME WORK, UNDERCUTTING CLAIMS BY HEALTH REFORM OPPONENTS

(By Paul N. Van de Water)

Yesterday's Census Bureau report shows that the share of workers with full-time, full-year work rose in 2013, while the share with part-time, part-year work fell. This finding further undercuts assertions that health reform is causing a large increase in part-time employment—as proponents of a House measure to change health reform's rules on covering full-time workers claim.

Health reform requires employers with at least 50 full-time-equivalent workers to offer coverage to full-time employees—defined as those who work at least 30 hours a week—or pay a penalty. Critics claim that employers are shifting some employees to part-time work to avoid offering them health insurance. But the data provide scant evidence of such a shift.

To the contrary, part-time work became less frequent last year. ''An estimated 72.7 percent of working men with earnings and 60.5 percent of working women with earnings worked full time, year round in 2013, both percentages higher than the 2012 estimates of 71.1 percent and 59.4 percent respectively,'' according to the new Census report. These data are consistent with a recent Urban Institute analysis that found little evidence that health reform has increased part-time work.

The share of involuntary part-timers—workers who'd rather have full-time jobs but can't find them—tells a similar story. If health reform were distorting hiring practices, as critics assert, we'd expect the share of involuntary part-timers to be growing. Instead, as the chart (based on Labor Department data) shows, it's down by 1½ percentage points from its post-recession peak. My colleague Jared Bernstein finds that this pattern is typical for this stage of a recovery.

Later this week, the House will consider a proposal (part of a so-called ''jobs bill'') to raise health reform's threshold for full-time work from 30 to 40 hours. But this step would make a shift toward part-time employment much more likely—not less so.

Only about 7 percent of employees work 30 to 34 hours (that is, at or modestly above health reform's 30-hour threshold), but 44 percent of employees work 40 hours a week and thus would be vulnerable to cuts in their hours if the threshold rose to 40 hours. Employers could easily cut back large numbers of employees from 40 to 39 hours so they wouldn't have to offer them health coverage.

If you exclude workers at firms that already offer health insurance and thus won't be tempted to cut workers' hours, more than twice as many workers would face a high risk of reduced hours under a 40-hour threshold than under the current 30-hour threshold, according to New York University economist Sherry Glied.

There's little evidence to date that health reform has caused a shift to part-time work. There's every reason to expect the impact to be small as a share of total employment, as we have explained. And raising the cutoff for the employer mandate from 30 to 40 hours a week would be a step in the wrong direction.

Mr. RANGEL. Now, the gentleman knows also that in order to get a bill passed, it really helps if you get the cooperation of the President of the United States.

I would like to submit a statement for the RECORD from the administration which says that if this bill was to reach him that he would be forced to follow the advice of his administration specialists and veto it.

On the other hand, I think it is abundantly clear that the Speaker knows that the President has reached out to him and to the Senate to come together to create jobs.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4—JOBS FOR AMERICA ACT

(Rep. Camp, R-Michigan, and 4 cosponsors)

The Administration strongly opposes House passage of H.R. 4, which incorporates several bills that have previously been passed by the House during this Congress, including a number of bills for which the Administration issued Statements of Administration Policy strongly opposing passage and indicating that, if presented to the President, his senior advisors would recommend that he veto them.

The Administration wants to work with Congress to make progress on measures that strengthen the economy and help middle class families, including pro-growth business tax reform. The Administration continues to support tax proposals that would benefit the Nation's economy and small businesses, such as making permanent the research and experimentation tax credit and increased expensing for small businesses. However, making traditional tax extenders and costly business tax cuts permanent without offsets, while at the same time allowing taxes to increase on 26 million working families, represents the wrong approach.

In addition, the Administration welcomes ideas to improve the Affordable Care Act. However, H.R. 4 would undermine that Act by shifting costs to taxpayers and causing fewer Americans to have employer-sponsored health insurance coverage.

Also, the Administration is committed to ensuring that the benefits of regulation justify their costs and that they are tailored to advance statutory goals in a manner that is efficient, is cost-effective, and minimizes uncertainty. However, H.R. 4 would throw all major regulations into a months-long limbo, marking a significant departure from the longstanding separation of powers between the Executive and Legislative branches and, fostering uncertainty and impeding business investment that is vital to economic growth. Furthermore, the bill would impose other unnecessary requirements on agencies that would seriously undermine their ability to execute their statutory mandates.

Finally, the Administration is committed to sound long-term management of Federal lands for continued productivity and economic benefit, as well as for the long-term

health of the wildlife and ecological values sustained by these holdings. However, H.R. 4 includes numerous harmful provisions that would impair responsible management of Federally-owned lands and undermine many important existing public land and environmental laws, rules, and processes.

If the President were presented with H.R. 4, his senior advisors would recommend that he veto the bill.

Mr. RANGEL. Lastly, I would like to say, as the distinguished chair moves on to his retirement from this august body, that for as long as the gentleman has been a member of this Ways and Means Committee that I have admired and I continue to respect the fine work that he has contributed to the committee as well as to this House, and that his honesty, candidness, sincerity, and hard work to make this a better Congress and a better country certainly is appreciated now and will be in the future.

And I would hope that the hard work that he has done on tax reform—which is a very difficult, complex subject to deal with—that we might try to remember him for the fine work that he has done over these years, rather than on the eve of an election, where sometimes the leadership would want to make a political statement.

I, for one, will never associate him with this piece of legislation, but, rather, for the outstanding contributions that he has made year after year, session after session—not for Republicans, not for the committee, but for this great country. And I thank him for his friendship over the years.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from New York for those kind remarks and also for the work we have been able to do together over the years.

I remember the first legislation that we really worked together on was the Adoption and Safe Families Act, which was signed into law and has done a lot to move children from a temporary situation into a permanent loving home. And I want to thank the gentleman for his leadership on that and other issues on the committee.

And as a former chairman of the committee, you have sat in the chair I am sitting in right now and know what a challenge it can be at times. But we have done some great work together.

I do happen to believe, though, that this legislation would create jobs. And it is not just my opinion. These provisions have been analyzed by the nonpartisan Joint Committee on Taxation, and that indicates that these are all important provisions.

There has been some reference to the fact that we are close to an election. And I think clearly what most Americans are sick of is the dysfunction in Washington, the lack of ability for the two parties to get together, whether it is the Republicans and Democrats in the House or Democrat majorities in the Senate and Republican majorities in the House. And these are all bipartisan provisions. These are all tax provisions that have had significant Democrat support and votes. In the case of the Help Hire Our Heroes Act, I think every Democrat but one voted for it. Clearly these are things that will help create jobs.

And not only do Americans want to see the dysfunction in this body end, but they would like to see something that will help move the economy forward, that will help make their lives better.

If you look at polling—there is certainly a lot of polling out there right now—a lot of Americans know that things are not as good as they should be. I mean, it clearly comes across in the polls how dissatisfied they are. And there are lots of reasons for that, largely because median incomes are declining.

But what is really troubling is that Americans don't believe that things are going to get better. They are worried that, for the first time, their children or their brothers and sisters or their family members or they will not have the same opportunities that many of their parents or some of their friends have had. That is a very troubling situation.

This is legislation that will help move the ball forward on getting some economic growth, some job creation, a stronger economy. And with that stronger economy comes more jobs, comes higher wages, comes benefits so that people can pay for food and gas and put something aside for their retirement and for their kids' education.

These are all things that have been extended repeatedly with bipartisan support. As I mentioned, R&D, 30 years; section 179, expensing for small businesses, 10 years; some of the S Corp perform, 12 years—seven times since 2006.

So let's not have a temporary policy. Let's make this permanent. Let's get this country moving again. Let's restore that faith that people have had in this country and in the American Dream. Let's vote ''yes'' on H.R. 4.

Mr. Speaker, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Speaker, it is with a great sense of disappointment that I deliver my remarks today. For the past 21 months, this House has failed to take any meaningful action to reduce unemployment or boost job creation in America. We know what the solutions are, and yet unconscionably the Republican leadership has chosen to engage in divisive political gamesmanship rather than taking on the more challenging task of governing, which is what our constituents sent us here to do.

In my home state of Rhode Island, employers are still struggling to find qualified employees to fill available jobs. This skills gap keeps the unemployment rate stubbornly high, while many middle class families are still struggling to make ends meet.

H.R. 4 contains provisions from several bills that have already passed the House and failed to gain traction in the Senate. Instead of more duplicative messaging bills, we should be working with our colleagues across the aisles, and across the Capitol, to incentivize companies to bring jobs back home, invest in advanced research and development, educate and train our workforce for a 21st Century economy, and modernize our infrastructure to improve safety, boost commerce and create jobs.

Certainly the House and Senate have different visions about how to proceed. But when disagreements arise, the process should involve working together to find a solution that can pass both houses and reach the President's desk. Instead, House Republican leaders have decided the best course of action is to revisit bills that we already know are unacceptable to the Senate. As a fitting coda to the 113th Congress, we will again squander an opportunity to act while millions of Americans still need our help.

This Congress is set to go down in history as the least productive ever. Many members have taken a ''death or glory'' approach to legislating, demanding that either we give them everything, or nobody can have anything. It was a year ago that we suffered the first government shutdown in 17 years; a shutdown caused by the House Majority's inability to contemplate negotiation.

Even by the Speaker's own criteria of ''laws repealed'' instead of laws passed, we have been remarkably unproductive. Without any coherent legislative strategy, the Republican majority has attempted to repeal or undermine the Affordable Care Act over 50 times. However, we still cannot find the time to extend long-term unemployment insurance, fix our broken immigration system, or tackle any of the other challenges that our constituents sent us here to fix.

One of the easiest steps we can take would be to re-authorize the Carl D. Perkins Career and Technical Education Act. This main source of federal funding for career training programs was last re-authorized in 2006 and expired in 2012. There is broad, bipartisan support for revisiting Perkins and updating its provisions to reflect the realities of the 21st Century economy. Advocates across the country support re-authorizing Perkins. Unfortunately, this did not become a priority for the Committee and we are left waiting for action yet again.

There is too much work to be done to waste time on this petty political squabbling. We have the capacity to meet the challenges that face us, but a lack of courage on the part of House leadership keeps us from doing so. It is my sincere hope that in the 114th Congress we return to regular order, negotiate instead of digging in our heels, and solve problems instead of creating them.

Ms. WATERS. Mr. Speaker, I would like to submit the following:

AMERICANS FOR FINANCIAL REFORM,
Washington, DC, September 18, 2014.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform (AFR), we are writing to urge you to oppose H.R. 4, the ''Jobs For America Act''. Division III of the legislation contains a number of extremely problematic provisions that would require regulatory agencies to satisfy dozens of additional mandates prior to any regulation of Wall Street, and which would create numerous additional opportunities for large financial firms to block any government action in court. AFR has joined the Coalition for Sensible Safeguards and dozens of other civil society organizations in a joint letter opposing these provisions.

We would also like to draw attention to Title I of Division II of this legislation, the ''Small Business Capital Access and Job Preservation Act''. This legislation would exempt private equity fund advisors—who include some of the wealthiest and most significant entities on Wall Street—from registration and reporting requirements designed to allow regulators to protect investors and the public and monitor risk in the financial system.

Prior to the Dodd-Frank Act, hedge and private equity funds received almost no regulatory monitoring, despite the fact that they manage some $3 trillion in assets in total on behalf of numerous investors, including many pension funds. The Dodd-Frank Act created more transparency for this previously dark portion of the markets, by requiring hedge and private equity fund advisors to register with the Securities and Exchange Commission (SEC), maintain a code of ethics and a compliance program, and report basic financial information relevant to systemic risk. This legislation would effectively exempt all private equity fund advisors from these requirements.

Since this legislation was voted on as a stand alone bill in December, 2013 as H.R. 1105, the SEC has reported publicly on its basic 'presence examinations' of private equity fund advisors pursuant to its new Dodd-Frank responsibilities. These examinations found widespread evidence of abuse of investors and violations of the law. In a recent speech, Andrew Bowden, the SEC's Director of Compliance Inspections and Examinations, stated that ''when we have examined how fees and expenses are handled by advisers to private equity funds, we have identified what we believe are violations of law or material weaknesses in controls over 50% of the time''. The speech details evidence of deception and abuse of investors in other areas as well. Mr. Bowden also stated that due to the opaque nature of the private equity model and the limited information rights of investors, outside investors in private equity funds ''often have little to no chance of detecting'' these abuses on their own.

Given the findings of the SEC in its initial investigations of private equity advisors, it is deeply disappointing to see that the House is once again pursuing a broad exemption from registration, reporting, and associated ethics requirements for private equity advisors. The passage of ''The Small Business Capital Access and Job Preservation Act'' would effectively remove the SEC's most effective tool for addressing the evidence of widespread investor abuses recently uncovered through their examinations. We urge you to oppose this legislation.

Thank you for your consideration. For more information please contact AFR's Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

FOLLOWING ARE THE PARTNERS OF AMERICANS FOR FINANCIAL REFORM

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

A New Way Forward; AFL–CIO; AFSCME; Alliance for Justice; American Income Life Insurance; American Sustainable Business Council; Americans for Democratic Action, Inc.; Americans United for Change; Campaign for America's Future; Campaign Money; Center for Digital Democracy; Center for Economic and Policy Research; Center for Economic Progress; Center for Media and Democracy; Center for Responsible Lending; Center for Justice and Democracy; Center of Concern; Center for Effective Government; Change to Win; Clean Yield Asset Management.

Coastal Enterprises Inc.; Color of Change; Common Cause; Communications Workers of America; Community Development Transportation Lending Services; Consumer Action; Consumer Association Council; Consumers for Auto Safety and Reliability; Consumer Federation of America; Consumer Watchdog; Consumers Union; Corporation for Enterprise Development; CREDO Mobile; CTW Investment Group; Demos; Economic Policy Institute; Essential Action; Greenlining Institute; Good Business International; HNMA Funding Company; Home Actions.

Housing Counseling Services; Home Defenders League; Information Press; Institute for Global Communications; Institute for Policy Studies: Global Economy Project; International Brotherhood of Teamsters; Institute of Women's Policy Research; Krull & Company; Laborers' International Union of North America; Lawyers' Committee for Civil Rights Under Law; Main Street Alliance; Move On; NAACP; NASCAT; National Association of Consumer Advocates; National Association of Neighborhoods; National Community Reinvestment Coalition; National Consumer Law Center (on behalf of its low-income clients); National Consumers League; National Council of La Raza.

National Council of Women's Organizations; National Fair Housing Alliance; National Federation of Community Development Credit Unions; National Housing Resource Center; National Housing Trust; National Housing Trust Community Development Fund; National NeighborWorks Association; National Nurses United; National People's Action; National Urban League; Next Step; OpenTheGovernment.org; Opportunity Finance Network; Partners for the Common Good; PICO National Network; Progress Now Action; Progressive States Network; Poverty and Race Research Action Council; Public Citizen; Sargent Shriver Center on Poverty Law.

SEIU; State Voices; Taxpayers for Common Sense; The Association for Housing and Neighborhood Development; The Fuel Savers Club; The Leadership Conference on Civil and Human Rights; The Seminal; TICAS. U.S. Public Interest Research Group; UNITE HERE; United Food and Commercial Workers; United States Student Association; USAction; Veris Wealth Partners; Western States Center; We the People Now; Woodstock Institute; World Privacy Forum; UNET; Union Plus; Unitarian Universalist for a Just Economic Community.

LIST OF STATE AND LOCAL AFFILIATES

Alaska PIRG; Arizona PIRG; Arizona Advocacy Network; Arizonans For Responsible Lending; Association for Neighborhood and Housing Development NY; Audubon Partnership for Economic Development LDC, New York NY; BAC Funding Consortium Inc., Miami FL; Beech Capital Venture Corporation, Philadelphia PA; California PIRG; California Reinvestment Coalition; Century Housing Corporation, Culver City CA; CHANGER NY; Chautauqua Home Rehabilitation and Improvement Corporation (NY); Chicago Community Loan Fund, Chicago IL; Chicago Community Ventures, Chicago IL; Chicago Consumer Coalition; Citizen Potawatomi CDC, Shawnee OK; Colorado PIRG; Coalition on Homeless Housing in Ohio; Community Capital Fund, Bridgeport CT.

Community Capital of Maryland, Baltimore MD; Community Development Financial Institution of the Tohono O'odham Nation, Sells AZ; Community Redevelopment Loan and Investment Fund, Atlanta GA; Community Reinvestment Association of North Carolina; Community Resource Group, Fayetteville A; Connecticut PIRG; Consumer Assistance Council; Cooper Square Committee (NYC); Cooperative Fund of New England, Wilmington NC; Corporacion de Desarrollo Economico de Ceiba, Ceiba PR; Delta Foundation, Inc., Greenville MS; Economic Opportunity Fund (EOF), Philadelphia PA; Empire Justice Center NY; Empowering and Strengthening Ohio's People (ESOP), Cleveland OH; Enterprises, Inc., Berea KY; Fair Housing Contact Service OH; Federation of Appalachian Housing; Fitness and Praise Youth Development, Inc., Baton Rouge LA; Florida Consumer Action Network; Florida PIRG.

Funding Partners for Housing Solutions, Ft. Collins CO; Georgia PIRG; Grow Iowa Foundation, Greenfield IA; Homewise, Inc., Santa Fe NM; Idaho Nevada CDFI, Pocatello ID; Idaho Chapter, National Association of Social Workers; Illinois PIRG; Impact Capital, Seattle WA; Indiana PIRG; Iowa PIRG; Iowa Citizens for Community Improvement; JobStart Chautauqua, Inc., Mayville NY; La Casa Federal Credit Union, Newark NJ; Low Income Investment Fund, San Francisco CA; Long Island Housing Services NY; MaineStream Finance, Bangor ME; Maryland PIRG; Massachusetts Consumers' Coalition; MASSPIRG; Massachusetts Fair Housing Center.

Michigan PIRG; Midland Community Development Corporation, Midland TX; Midwest Minnesota Community Development Corporation, Detroit Lakes MN; Mile High Community Loan Fund, Denver CO; Missouri PIRG; Mortgage Recovery Service Center of L.A.; Montana Community Development Corporation, Missoula MT; Montana PIRG; Neighborhood Economic Development Advocacy Project; New Hampshire PIRG; New Jersey Community Capital, Trenton NJ; New Jersey Citizen Action; New Jersey PIRG; New Mexico PIRG; New York PIRG; New York City Aids Housing Network; New Yorkers for Responsible Lending; NOAH Community Development Fund, Inc., Boston MA; Nonprofit Finance Fund, New York NY; Nonprofits Assistance Fund, Minneapolis M.

North Carolina PIRG; Northside Community Development Fund, Pittsburgh PA; Ohio Capital Corporation for Housing, Columbus OH; Ohio PIRG; Oligarchy USA; Oregon State PIRG; Our Oregon; PennPIRG; Piedmont Housing Alliance, Charlottesville VA; Michigan PIRG; Rocky Mountain Peace and Justice Center, CO; Rhode Island PIRG; Rural Community Assistance Corporation, West Sacramento CA; Rural Organizing Project OR; San Francisco Municipal Transportation Authority; Seattle Economic Development Fund; Community Capital Development; TexPIRG; The Fair Housing Council of Central New York; The Loan Fund, Albuquerque NM; Third Reconstruction Institute NC; Vermont PIRG; Village Capital Corporation, Cleveland OH; Virginia Citizens Consumer Council; Virginia Poverty Law Center; War on Poverty-Florida; WashPIRG; Westchester Residential Opportunities Inc.; Wigamig Owners Loan Fund, Inc., Lac du Flambeau WI; WISPIRG.

SMALL BUSINESSES

Blu; Bowden-Gill Environmental; Community MedPAC; Diversified Environmental Planning; Hayden & Craig, PLLC; Mid City Animal Hospital, Pheonix AZ; The Holographic Repatterning Institute at Austin; UNET.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 727, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule IXX, further consideration of H.R. 4 is postponed.

PERMISSION TO POSTPONE ADOPTION OF MOTION TO RECOMMIT ON H.R. 2, AMERICAN ENERGY SOLUTIONS FOR LOWER COSTS AND MORE AMERICAN JOBS ACT

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to recommit on H.R. 2 may be subject to postponement as though under clause 8 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMERICAN ENERGY SOLUTIONS FOR LOWER COSTS AND MORE AMERICAN JOBS ACT

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to House Resolution 727, I call up the bill (H.R. 2) to remove Federal Government obstacles to the production of more domestic energy; to ensure transport of that energy reliably to businesses, consumers, and other end users; to lower the cost of energy to consumers; to enable manufacturers and other businesses to access domestically produced energy affordably and reliably in order to create and sustain more secure and well-paying American jobs; and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 727, the bill is considered read.

The text of the bill is as follows:

H.R. 2

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Energy Solutions for Lower Costs and More American Jobs Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows: