extend and modify the pilot program of the Department of Veterans Affairs on assisted living services for veterans with traumatic brain injury, and for other purposes.

S. 2611

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2611, a bill to facilitate the expedited processing of minors entering the United States across the southern border and for other purposes.

S. 2624

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2624, a bill to provide additional visas for the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2631

At the request of Mr. CRUZ, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2631, a bill to prevent the expansion of the Deferred Action for Childhood Arrivals program unlawfully created by Executive memorandum on August 15, 2012.

S. 2633

At the request of Mr. JOHANNS, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2633, a bill to require notification of a Governor of a State if an unaccompanied alien child is placed in a facility or with a sponsor in the State and for other purposes.

S.J. RES. 38

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S.J. Res. 38, a joint resolution conferring honorary citizenship of the United States on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez.

S. RES. 420

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 420, a resolution designating the week of October 6 through October 12, 2014, as ''Naturopathic Medicine Week'' to recognize the value of naturopathic medicine in providing safe, effective, and affordable health care.

S. RES. 499

At the request of Mr. MANCHIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 499, a resolution congratulating the American Motorcyclist Association on its 90th Anniversary.

AMENDMENT NO. 3377

At the request of Mr. LEVIN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3377 intended to be proposed to S. 2410, an original bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. ENZI, and Mr. MORAN):

S. 2635. A bill to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2635

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 ''21st Century Endangered Species Transparency Act''.

SEC. 2. REQUIREMENT TO PUBLISH ON INTERNET BASIS FOR LISTINGS.

Section 4(b) of the Endangered Species Act (16 U.S.C. 1533(b)) is amended by adding at the end the following:

''(9) PUBLICATION ON INTERNET OF BASIS FOR LISTINGS.—The Secretary shall make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1), except that, at the request of a Governor or legislature of a State, the Secretary shall not make available under this paragraph information regarding which the State has determined public disclosure is prohibited by a law of that State relating to the protection of personal information.''.

By Mr. LEVIN:

S. 2637. A bill to modify the small business intermediary lending program; to the Committee on Small Business and Entrepreneurship.

Mr. LEVIN. Mr. President, today I am introducing the Small Business Intermediary Lending Program Act of 2014.

This bill would make permanent a successful small business financing program which provides startups and growing small businesses with access to capital. As a long-time member of the Small Business and Entrepreneurship Committee, I have been a strong supporter of efforts to help small firms expand and thrive so they can create jobs and grow the economy.

The need for creative and effective ways to expand access to capital for small businesses is greater than ever. According to a study issued by the Brookings Institute in May, entrepreneurship is experiencing a troubling decline in the United States, a trend the authors document over the last 30 years, across all 50 States and almost all metropolitan areas. They conclude that we need to pursue policies that better foster entrepreneurship if we want to create more jobs.

One way we can foster entrepreneurship and address the lingering unemployment affecting so many of our communities is to make permanent the Small Business Intermediary Lending Pilot Program.

I proposed and helped enact the Intermediary Lending Pilot Program into law in 2010. Over the last three years, the program has provided loans of $1 million to nonprofit intermediary lenders to make small to mid-sized loans to small businesses. The program gets financing to small businesses that are not being served by banks or conventional loan programs currently available through the Small Business Administration. Small businesses seeking this flexible debt financing may have graduated from the Small Business Administration's Microloan Program, and for a variety of reasons, especially lack of adequate collateral, do not qualify for guaranteed 7(a) loans or other private capital.

Given the slow economic recovery, high demand exists for the Intermediary Lending Pilot Program. In the short life of the program, intermediaries in 20 States across the country have already made more than 300 small business loans, totaling more than $26 million. If not for the Intermediary Lending Pilot Program, the small businesses receiving these loans would have been hard-pressed to find this financing elsewhere. Almost 90 percent of the loans were in the $50,000–$200,000 range, making these loans larger than microloans. The average loan size in the pilot has been about $88,000.

The loans facilitated by the Intermediary Lending Program have done more than help small businesses; they have created or retained thousands of jobs. Building on this success and keeping the program going will strengthen our economy, get small businesses sorely-needed capital, and catalyze job creation.

Merit Hall, a full service staffing firm located in downtown Detroit, provides services and staffing to construction, landscape and facility maintenance contractors throughout southeastern Michigan. In 2013, Merit Hall received a $200,000 ILP loan to support the company's growth. Merit Hall used those funds to retain and create 10 office jobs and 300 jobs in the field. In addition, this loan allowed Merit Hall to grow their revenues to the point where they were bankable and were able to receive a $350,000 loan from a commercial bank and pay off their ILP loan.

Rubber Technologies of Coleman, Michigan, recycles tires to create premium recycled products such as playground surfacing and rubber mats. The Intermediary Lending Program loan they received will help strengthen their business, allowing them to add

equipment and retain 12 jobs. Roaming Harvest, a small business in Traverse City, Michigan, started out as a food truck and now thanks to a loan from the Intermediary Pilot program has opened a café featuring local food, retaining two jobs and creating two new jobs.

These small loans can add up. An intermediary lender in the state of Washington, Craft3, has already made 34 loans through the program and created 98 jobs as a result.

Intermediary lenders do more than provide loans; they provide technical assistance and counseling which often does not accompany conventional loans, helping business owners start and grow successful enterprises.

The Intermediary Lending Program is modeled after the U.S. Department of Agriculture's Rural Development Loan Program, which has existed since 1988. Like the USDA program, this SBA counterpart is a decentralized initiative relying on the capacity and market expertise of local, nonprofit intermediary lenders, but it expands this approach, serving both rural and urban areas.

The legislation I am introducing today makes the Intermediary Lending Program permanent and authorizes a funding level of $20 million for each of the next three fiscal years. The legislation authorizes nonprofit lending intermediaries, chosen on a competitive basis, to participate in the program. As in the pilot, each intermediary will receive a loan of up to $1 million at a low interest rate to create a revolving loan fund through which they will make small business loans.

The nonprofit lenders who participate in this program already tap a variety of financing programs to meet the needs of the small businesses in their states and localities. SBA has observed that one of the benefits of the Intermediary Lending Program as compared to the Microloan Program is the longer repayment term, 20 years versus 10 years, respectively. This patient capital helps to facilitate larger loans that some businesses need, up to $200,000, and it allows the revolving loan fund to revolve about 2.5 times before the intermediary fully repays the initial SBA loan.

In addition to authorizing the program, this bill makes a technical correction to the language of the pilot program. While the pilot program limited the amount that an intermediary can borrow under the Intermediary Lending Program to $1 million, it did not intend to take into account money an intermediary borrowed through other SBA programs. Unfortunately, SBA interpreted the language in a way that placed an overall cap on how much a participating intermediary can borrow from the SBA under all SBA programs. The result was that more experienced lenders with higher loan volumes, especially many strong microlenders, were unable to participate. That was simply not the intent of Congress. Rather, this program was designed to complement the microloan and 7(a) programs and add another tool to the portfolio of nonprofit community-based lenders. The bill I am introducing today changes the language to clarify our intent, maintains the $1 million loan limit, and increases the overall amount intermediaries can have outstanding from SBA under the Intermediary Lending Program to $5 million.

The Intermediary Lending Program is a small program which has already made a big difference. It is modeled on a program which has been operating successfully for almost 30 years, and it shields the government from any risks involved in lending to small businesses by having experienced intermediaries take on that risk. As we all look for ways to bolster our economy, we should build on this record of success. The Intermediary Lending Pilot is addressing a lending gap and helping create jobs across the nation. If we adopt my legislation, this program will continue to be an engine for small business growth. I urge its swift enactment.

By Ms. LANDRIEU:

S. 2641. A bill to amend the Truth in Lending Act to provide that residential mortgage loans held in portfolio qualify and qualified mortgages for purposes of the presumption of the ability to repay requirements under such Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor today to discuss the importance of community banks to our financial system and economy. Community banks are critical to the economic recovery and success of our local economies and small businesses. As our Nation continues to recover from the worst recession since the Great Depression, we need to do everything possible to provide measured, targeted regulatory relief for community banks, who were not part of the problem during the financial crisis.

America's nearly 7,000 community banks are the primary source of lending for our Nation's small businesses and farms. Though they compose just 10 percent of the banking industry by assets, community banks make over 57 percent of outstanding bank loans to small businesses. In Louisiana, we have approximately 140 community banks. These institutions are vital parts of their local communities; their boards are often made up of local citizens who are personally invested in advancing the interests of the towns and cities in which they live.

Today I am offering a very simple, common sense provision that would cut back on some of the onerous regulations community banks are facing without compromising the safety and soundness of our financial system or important consumer protections. The Consumer Financial Protection Bureau, CFPB, released its final rule on consumers' ability to repay mortgage loans under Dodd-Frank in January 2013. The final rule, implemented in 2014, defines the qualities of a ''qualified mortgage'', QM, which presume that the lender has satisfied the ability to repay requirements. While I was encouraged by many aspects of the rules, I feel there is more to be done to ensure that community banks and Main Street lenders are not stifled by onerous regulations.

My bill will allow any residential mortgage held in portfolio by lenders with less than $10 billion in total assets to qualify as a ''qualified mortgage.'' A strong indication of a bank's view of the credit risk of a loan is the decision to hold a loan in portfolio. When a bank holds a loan in portfolio, rather than selling in on the secondary market, it assumes 100 percent of the credit risk, so it has the incentive to ensure that each and every loan is well underwritten and affordable to the borrower. Community banks are in the business of knowing their borrowers, understanding their ability to repay and structuring loans accordingly. This protects the financial health of borrowers, lenders, and the economy as a whole.

I am proud to also serve as a cosponsor of S. 1349, the Community Lending Enhancement and Regulatory, CLEAR, Relief Act, which was introduced by my colleagues, Senators MORAN and TESTER and contains a number of other regulatory relief measures for small and community-based lenders. I encourage my colleagues to support these provisions to help community banks serve their customers, protecting the well-being of borrowers, and spur economic growth in local communities across the Nation.

By Mr. HARKIN (for himself, Ms. WARREN, and Mr. BROWN):

S. 2642. A bill to permit employees to request changes to their work schedules without fear of retaliation, and to ensure that employers consider these requests; and to require employers to provide more predictable and stable schedules for employees in certain growing low-wage occupations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I want to bring to our attention a large and growing problem laced by American workers today that has negative consequences for working families and our national economy. They are hourly service workers holding jobs that we all rely on—the folks who are serving customers in stores and restaurants, who are cleaning our offices and hotels, who are making sure that shelves are stocked, food is cooked properly, and businesses run smoothly. They are also white collar workers: professionals, managers, teachers, and more. All of these workers want to go to work and be successful at their jobs. But today, too many do not have access to one of

the most basic parts of a job: a stable, predictable schedule.

For hourly service workers, jobs are often scheduled on a ''just in time'' basis. This means that schedules are given out last minute, workers are often required to be on call, and schedules and the number of assigned hours vary week to week and month to month. Schedules are often made with no input from workers or consideration for family needs or even sleep time. A worker may have 8 hours of work one week, 24 hours the next week, and no hours for the next two weeks. A worker may have the night shift followed by the day shift, or a split shift with a few hours in the morning and a few more hours in the evening. A worker may show up after arranging and paying for child care and taking a 2 hour trip by public transportation, only to be sent home for lack of work. Assigned time on schedules is a perk, while being left off the schedule is a punishment.

These abusive scheduling practices mean that workers often can't predict their income, which makes it very difficult to budget and pay bills. It also wreaks havoc on family life. Working parents can't be home for family dinner, help with afternoon homework, or put kids to bed. Workers with elderly parents or relatives who are in need of care cannot be available when they are needed. And the inability to predict a schedule means that taking classes or getting a second job to further one's career or increase income become difficult to impossible. And yet, because these practices have become so common among hourly service jobs, moving to a different job is not an option. Workers are simply stuck.

Meanwhile, white collar workers are working longer than ever. They have to stay late long into the night and come in on the weekends. If they want a 40–hour workweek or time with family, they are too often criticized as uncommitted to the job. They, too, miss family dinners and other family events. They, too, are unable to be with children or elders when their care is required.

What these workers have in common is their lack of control over their hours and their schedules. That is why I have joined with Senator WARREN and Representatives GEORGE MILLER and ROSA DELAURO to introduce the ''Schedules That Work Act.'' This bill will help workers to meet scheduling challenges in ways that respect their needs and the needs of businesses.

First, the bill will allow all workers, both hourly and salaried in any job or industry, to make requests about their schedules, and it will prohibit retaliation against them for doing so. Employers will be required to engage in an interactive process in response to scheduling requests—much like that required to determine reasonable accommodations under the Americans with Disabilities Act. An employer has to consider a request, consider alternatives, and provide an answer to a worker's request. Certain requests will have some extra consideration: if an employee makes a request because of caregiving duties, to deal with a serious health condition, to take a career-related training or education course, or to meet the demands of a second job in the case of part-time workers, then an employer must have a bona fide business reason to deny the request. This ''right to request'' will open a line of communication that ensures workers have a voice but respects employers' business needs.

Second, the Schedules That Work Act will ensure that workers in retail, food service, and janitorial and cleaning jobs are paid when they are required to report in or be on call. If a worker is scheduled for at least four hours and reports to work, the worker must be paid for at least four hours, even if she is sent home early. An employer will have to provide an extra hour's pay if he requires an employee to be on call. If an employer schedules a ''split shift''—with non-consecutive shifts within a single day—a worker will earn an extra hour's pay.

Finally, this bill will require 2 weeks' advance notice of schedules for workers in retail, food service, and janitorial jobs. If changes are made with less than 24 hours' notice, employers will be required to provide an extra hour's pay. While employers can continue to make changes to schedules, we hope that this requirement will reduce the chaos that can be created by continual last-minute scheduling.

A schedule should be a basic part of almost any job. Predictability and stability in hours helps workers meet their personal and family demands. In turn, workers are more likely to stay in their jobs, reducing the expensive turnover that can cost businesses dearly A simple consideration like advance notice of a schedule goes a long way toward creating good will, fostering loyalty, and raising morale among employees.

What this bill is really about, at its heart, is respect. Respect for workers' lives and businesses' needs. I encourage all of my Senate colleagues to join me on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 2642

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Schedules That Work Act''.

(b) FINDINGS.—Congress finds the following:

(1) The vast majority of the United States workforce today is juggling responsibilities at home and at work. Women are primary breadwinners or co-breadwinners in 63 percent of families in the United States and 26 percent of families with children are headed by single mothers.

(2) Despite the dual responsibilities of today's workforce, workers across the income spectrum have very little ability to make changes to their work schedules when those changes are needed to accommodate family responsibilities. Only 27 percent of employers allow all or most of their employees to periodically change their starting and quitting times.

(3) Although low-wage workers are most likely to be raising children on their own, as more than half of mothers of young children in low-wage jobs are doing, low-wage workers have the least control over their work schedules and the most unpredictable schedules. For example—

(A) roughly half of low-wage workers reported very little or no control over the timing of the hours they were scheduled to work;

(B) many workers in low-wage jobs receive their schedules with very little advance notice and have work hours that vary significantly from week to week or month to month;

(C) some workers in low-wage jobs are sent home from work when work is slow without being paid for their scheduled shift;

(D) in some industries, the use of ''call-in shift'' requirements—requirements that workers call in to work to find out whether they will be scheduled to work later that day—has become common practice; and

(E) at the same time, 20 to 30 percent of workers in low-wage jobs struggle with being required to work extra hours with little or no notice.

(4) Unfair work scheduling practices make it difficult for low-wage workers to—

(A) provide necessary care for children and other family members, including arranging child care;

(B) qualify for and maintain eligibility for child care subsidies, due to fluctuations in income and work hours, or keep an appointment with a child care provider, due to not knowing how many hours or when the workers will be scheduled to work;

(C) pursue workforce training;

(D) get or keep a second job that some part-time workers need to make ends meet; and

(E) arrange transportation to and from work.

(5) Unpredictable and unstable schedules are prevalent in retail sales, food preparation and service, and building cleaning occupations, which are among the lowest-paid and fastest-growing occupations in the workforce today. For workers in those occupations, often difficult and sometimes abusive work scheduling practices combine with very low wages to make it extremely challenging to make ends meet.

(6) Retail sales, food preparation and service, and building cleaning occupations are among those most likely to have unpredictable and unstable schedules. According to data from the Bureau of Labor Statistics, 66 percent of food service workers, 52 percent of retail workers, and 40 percent of janitors and housekeepers know their schedules only a week or less in advance. The average variation in work hours in a single month is 70 percent for food service workers, 50 percent for retail workers, and 40 percent for janitors and housekeepers.

(7) Those are among the lowest-paid and fastest-growing occupations, accounting for 18 percent of workers in the economy, some 23,500,000 workers. The median pay for workers in those 3 occupations is between $9.15 and $10.44 per hour, and women make up more than half of the workers in those occupations.

(8) Employers that have implemented fair work scheduling policies that allow workers

to have more control over their work schedules, and provide more predictable and stable schedules, have experienced significant benefits, including reductions in absenteeism and workforce turnover, and increased employee morale and engagement.

(9) This Act is a first step in responding to the needs of workers for a voice in the timing of their work hours and for more predictable schedules.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) BONA FIDE BUSINESS REASON.—The term ''bona fide business reason'' means—

(A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to another facility;

(B) a significant detrimental effect on the employer's ability to meet organizational needs or customer demand;

(C) a significant inability of the employer, despite best efforts, to reorganize work among existing (as of the date of the reorganization) staff;

(D) a significant detrimental effect on business performance;

(E) insufficiency of work during the periods an employee proposes to work;

(F) the need to balance competing scheduling requests when it is not possible to grant all such requests without a significant detrimental effect on the employer's ability to meet organizational needs; or

(G) such other reason as may be specified by the Secretary of Labor (or the corresponding administrative officer specified in section 8).

(2) CAREER-RELATED EDUCATIONAL OR TRAINING PROGRAM.—The term ''career-related educational or training program'' means an educational or training program or program of study offered by a public, private, or nonprofit career and technical education school, institution of higher education, or other entity that provides academic education, career and technical education, or training (including remedial education or English as a second language, as appropriate), that is a program that leads to a recognized postsecondary credential (as identified under section 122(d) of the Workforce Innovation and Opportunity Act), and provides career awareness information. The term includes a program allowable under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Workforce Innovation and Opportunity Act, the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), without regard to whether or not the program is funded under the corresponding Act.

(3) CAREGIVER.—The term ''caregiver'' means an individual with the status of being a significant provider of—

(A) ongoing care or education, including responsibility for securing the ongoing care or education, of a child; or

(B) ongoing care, including responsibility for securing the ongoing care, of—

(i) a person with a serious health condition who is in a family relationship with the individual; or

(ii) a parent of the individual, who is age 65 or older.

(4) CHILD.—The term ''child'' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis to that child, who is—

(A) under age 18; or

(B) age 18 or older and incapable of self-care because of a mental or physical disability.

(5) COVERED EMPLOYER.—

(A) IN GENERAL.—The term ''covered employer''—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees (described in paragraph (7)(A));

(ii) includes any person who acts, directly or indirectly, in the interest of such an employer to any of the employees (described in paragraph (7)(A)) of such employer;

(iii) includes any successor in interest of such an employer; and

(iv) includes an agency described in subparagraph (A)(iii) of section 101(4) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)), to which subparagraph (B) of such section shall apply.

(B) RULE.—For purposes of determining the number of employees who work for a person described in subparagraph (A)(i), all employees (described in paragraph (7)(A)) performing work for compensation on a full-time, part-time, or temporary basis shall be counted, except that if the number of such employees who perform work for such a person for compensation fluctuates, the number may be determined for a calendar year based upon the average number of such employees who performed work for the person for compensation during the preceding calendar year.

(C) PERSON.—In this paragraph, and paragraph (7), the term ''person'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(6) DOMESTIC PARTNER.—The term ''domestic partner'' means the person recognized as being in a relationship with an employee under any domestic partnership, civil union, or similar law of the State or political subdivision of a State in which the employee resides.

(7) EMPLOYEE.—The term ''employee'' means an individual who is—

(A) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not described in any of subparagraphs (B) through (G);

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code;

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code;

(F) an employee of the Library of Congress; or

(G) an employee of the Government Accountability Office.

(8) EMPLOYER.—The term ''employer'' means a person—

(A) who is—

(i) a covered employer, as defined in paragraph (4), who is not described in any of clauses (ii) through (vii);

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code;

(v) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code;

(vi) the Librarian of Congress; or

(vii) the Comptroller General of the United States; and

(B) who is engaged in commerce (including government), in the production of goods for commerce, or in an enterprise engaged in commerce (including government) or in the production of goods for commerce.

(9) FAMILY RELATIONSHIP.—The term ''family relationship'' means a relationship with a child, spouse, domestic partner, parent, grandchild, grandparent, sibling, or parent of a spouse or domestic partner.

(10) GRANDCHILD.—The term ''grandchild'' means the child of a child.

(11) GRANDPARENT.—The term ''grandparent'' means the parent of a parent.

(12) MINIMUM NUMBER OF EXPECTED WORK HOURS.—The term ''minimum number of expected work hours'' means the minimum number of hours an employee will be assigned to work on a weekly or monthly basis.

(13) PARENT.—The term ''parent'' means a biological or adoptive parent, a stepparent, or a person who stood in a parental relationship to an employee when the employee was a child.

(14) PARENTAL RELATIONSHIP.—The term ''parental relationship'' means a relationship in which a person assumed the obligations incident to parenthood for a child and discharged those obligations before the child reached adulthood.

(15) PART-TIME EMPLOYEE.—The term ''part-time employee'' means an individual who works fewer than 30 hours per week on average during any 1-month period.

(16) RETAIL, FOOD SERVICE, OR CLEANING EMPLOYEE.—

(A) IN GENERAL.—The term ''retail, food service, or cleaning employee'' means an individual employee who is employed in any of the following occupations, as described by the Bureau of Labor Statistics Standard Occupational Classification System (as in effect on the day before the date of enactment of this Act):

(i) Retail sales occupations consisting of occupations described in 41–1010 and 41–2000, and all subdivisions thereof, of such System, which includes first-line supervisors of sales workers, cashiers, gaming change persons and booth cashiers, counter and rental clerks, parts salespersons, and retail salespersons.

(ii) Food preparation and serving related occupations as described in 35–0000, and all subdivisions thereof, of such System, which includes supervisors of food preparation and serving workers, cooks and food preparation workers, food and beverage serving workers, and other food preparation and serving related workers.

(iii) Building cleaning occupations as described in 37–2011, 37–2012 and 37–2019 of such System, which includes janitors and cleaners, maids and housekeeping cleaners, and building cleaning workers.

(B) EXCLUSIONS.—Notwithstanding subparagraph (A), the term ''retail, food service, or cleaning employee'' does not include any person employed in a bona fide executive, administrative, or professional capacity, as defined for purposes of section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)).

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(18) SERIOUS HEALTH CONDITION.—The term ''serious health condition'' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(19) SIBLING.—The term ''sibling'' means a brother or sister, whether related by half blood, whole blood, or adoption, or as a stepsibling.

(20) SPLIT SHIFT.—The term ''split shift'' means a schedule of daily hours in which the hours worked are not consecutive, except that—

(A) a schedule in which the total time out for meals does not exceed one hour shall not be treated as a split shift; and

(B) a schedule in which the break in the employee's work shift is requested by the employee shall not be treated as a split shift.

(21) SPOUSE.—

(A) IN GENERAL.—The term ''spouse'' means a person with whom an individual entered into—

(i) a marriage as defined or recognized under State law in the State in which the marriage was entered into; or

(ii) in the case of a marriage entered into outside of any State, a marriage that is recognized in the place where entered into and could have been entered into in at least 1 State.

(B) SAME-SEX OR COMMON LAW MARRIAGE.—Such term includes an individual in a same-sex or common law marriage that meets the requirements of subparagraph (A).

(22) STATE.—The term ''State'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(23) WORK SCHEDULE.—The term ''work schedule'' means those days and times within a work period when an employee is required by an employer to perform the duties of the employee's employment for which the employee will receive compensation.

(24) WORK SCHEDULE CHANGE.—The term ''work schedule change'' means any modification to an employee's work schedule, such as an addition or reduction of hours, cancellation of a shift, or a change in the date or time of a work shift, by an employer.

(25) WORK SHIFT.—The term ''work shift'' means the specific hours of the workday during which an employee works.

(26) VARIOUS ADDITIONAL TERMS.—

(A) COMMERCE TERMS.—The terms ''commerce'' and ''industry or activity affecting commerce'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(B) EMPLOY.—The term ''employ'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

SEC. 3. RIGHT TO REQUEST AND RECEIVE A FLEXIBLE, PREDICTABLE OR STABLE WORK SCHEDULE.

(a) RIGHT TO REQUEST.—An employee may apply to the employee's employer to request a change in the terms and conditions of employment as they relate to—

(1) the number of hours the employee is required to work or be on call for work;

(2) the times when the employee is required to work or be on call for work;

(3) the location where the employee is required to work;

(4) the amount of notification the employee receives of work schedule assignments; and

(5) minimizing fluctuations in the number of hours the employee is scheduled to work on a daily, weekly, or monthly basis.

(b) EMPLOYER OBLIGATION TO ENGAGE IN AN INTERACTIVE PROCESS.—

(1) IN GENERAL.—If an employee applies to the employee's employer to request a change in the terms and conditions of employment as set forth in subsection (a), the employer shall engage in a timely, good faith interactive process with the employee that includes a discussion of potential schedule changes that would meet the employee's needs.

(2) RESULT.—Such process shall result in—

(A) either granting or denying the request;

(B) in the event of a denial, considering alternatives to the proposed change that might meet the employee's needs and granting or denying a request for an alternative change in the terms and conditions of employment as set forth in subsection (a); and

(C) in the event of a denial, stating the reason for denial.

(3) INFORMATION.—If information provided by the employee making a request under this section requires clarification, the employer shall explain what further information is needed and give the employee reasonable time to produce the information.

(c) REQUESTS RELATED TO CAREGIVING, ENROLLMENT IN EDUCATION OR TRAINING, OR A SECOND JOB.—If an employee makes a request for a change in the terms and conditions of employment as set forth in subsection (a) because of a serious health condition of the employee, due to the employee's responsibilities as a caregiver, or due to the employee's enrollment in a career-related educational or training program, or if a part-time employee makes a request for such a change for a reason related to a second job, the employer shall grant the request, unless the employer has a bona fide business reason for denying the request.

(d) OTHER REQUESTS.—If an employee makes a request for a change in the terms and conditions of employment as set forth in subsection (a), for a reason other than those reasons set forth in subsection (c), the employer may deny the request for any reason that is not unlawful. If the employer denies such a request, the employer shall provide the employee with the reason for the denial, including whether any such reason was a bona fide business reason.

SEC. 4. REQUIREMENTS FOR REPORTING TIME PAY, SPLIT SHIFT PAY, AND ADVANCE NOTICE OF WORK SCHEDULES.

(a) REPORTING TIME PAY REQUIREMENT.—An employer shall pay a retail, food service, or cleaning employee—

(1) for at least 4 hours at the employee's regular rate of pay for each day on which the retail, food service, or cleaning employee reports for work, as required by the employer, but is given less than four hours of work, except that if the retail, food service, or cleaning employee's scheduled hours for a day are less than 4 hours, such retail, food service, or cleaning employee shall be paid for the employee's scheduled hours for that day if given less than the scheduled hours of work; and

(2) for at least 1 hour at the employee's regular rate of pay for each day the retail, food service, or cleaning employee is given specific instructions to contact the employee's employer, or wait to be contacted by the employer, less than 24 hours in advance of the start of a potential work shift to determine whether the employee must report to work for such shift.

(b) SPLIT SHIFT PAY REQUIREMENT.—An employer shall pay a retail, food service, or cleaning employee for one additional hour at the retail, food service, or cleaning employee's regular rate of pay for each day during which the retail, food service, or cleaning employee works a split shift.

(c) ADVANCE NOTICE REQUIREMENT.—

(1) INITIAL SCHEDULE.—On or before a new retail, food service, or cleaning employee's first day of work, the employer shall inform the retail, food service, or cleaning employee in writing of the employee's work schedule and the minimum number of expected work hours the retail, food service, or cleaning employee will be assigned to work per month.

(2) PROVIDING NOTICE OF NEW SCHEDULES.—Except as provided in paragraph (3), if a retail, food service, or cleaning employee's work schedule changes from the work schedule of which the retail, food service, or cleaning employee was informed pursuant to paragraph (1), the employer shall provide the retail, food service, or cleaning employee with the employee's new work schedule not less than 14 days before the first day of the new work schedule. If the expected minimum number of work hours that a retail, food service, or cleaning employee will be assigned changes from the number of which the employee was informed pursuant to paragraph (1), the employer shall also provide notification of that change, not less than 14 days in advance of the first day this change will go into effect. Nothing in this subsection shall be construed to prohibit an employer from providing greater advance notice of a retail, food service, or cleaning employee's work schedule than is required under this section.

(3) WORK SCHEDULE CHANGES MADE WITH LESS THAN 24 HOURS' NOTICE.—An employer may make work schedule changes as needed, including by offering additional hours of work to retail, food service, or cleaning employees beyond those previously scheduled, but an employer shall be required to provide one extra hour of pay at the retail, food service, or cleaning employee's regular rate for each shift that is changed with less than 24 hours' notice, except in the case of the need to schedule the retail, food service, or cleaning employee due to the unforeseen unavailability of a retail, food service, or cleaning employee previously scheduled to work that shift.

(4) NOTIFICATIONS IN WRITING.—The notifications required under paragraphs (1) and (2) shall be made to the employee in writing. Nothing in this subsection shall be construed as prohibiting an employer from using any additional means of notifying a retail, food service, or cleaning employee of the employee's work schedule.

(5) SCHEDULE POSTING REQUIREMENT.—Every employer employing any retail, food service, or cleaning employee subject to this Act shall post the schedule and keep it posted in a conspicuous place in every establishment where such retail, food service, or cleaning employee is employed so as to permit the employee to observe readily a copy. Availability of that schedule by electronic means accessible by all retail, food service, or cleaning employees of that employer shall be considered compliance with this subsection.

(6) EMPLOYEE SHIFT TRADING.—Nothing in this subsection shall be construed to prevent an employer from allowing a retail, food service, or cleaning employee to work in place of another employee who has been scheduled to work a particular shift as long as the change in schedule is mutually agreed upon by the employees. An employer shall not be subject to the requirements of paragraph (2) or (3) for such voluntary shift trades.

(d) EXCEPTION.—The requirements in subsections (a), (b), and (c) shall not apply during periods when regular operations of the employer are suspended due to events beyond the employer's control.

SEC. 5. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise or the attempt to exercise, any right of an employee as set forth in section 3 or of a retail, food service, or cleaning employee as set forth in section 4.

(b) RETALIATION PROHIBITED.—It shall be unlawful for any employer to discharge, threaten to discharge, demote, suspend, reduce work hours of, or take any other adverse employment action against any employee in retaliation for exercising the rights of an employee under this Act or opposing any practice made unlawful by this Act. For purposes of section 3, such retaliation shall include taking an adverse employment action against any employee on the basis of that employee's eligibility or perceived eligibility to request or receive a

change in the terms and conditions of employment, as described in such section, on the basis of a reason set forth in section 3(c).

(c) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

SEC. 6. REMEDIES AND ENFORCEMENT.

(a) INVESTIGATIVE AUTHORITY.—

(1) IN GENERAL.—To ensure compliance with this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to paragraph (3), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(2) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Each employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with regulations issued by the Secretary under section 8.

(3) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this subsection require any employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to subsection (c).

(4) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(b) CIVIL ACTION BY EMPLOYEES.—

(1) LIABILITY.—Any employer who violates section 5(a) (with respect to a right set forth in section 4) or subsection (b) or (c) of section 5 (referred to in this section as a ''covered provision'') shall be liable to any employee affected for—

(A) damages equal to the amount of—

(i) any wages, salary, employment benefits (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)), or other compensation denied, lost, or owed to such employee by reason of the violation; or

(ii) in a case in which wages, salary, employment benefits (as so defined), or other compensation have not been denied, lost, or owed to the employee, any actual monetary losses sustained by the employee as a direct result of the violation;

(B) interest on the amount described in subparagraph (A) calculated at the prevailing rate;

(C) an additional amount as liquidated damages equal to the sum of the amount described in subparagraph (A) and the interest described in subparagraph (B), except that if an employer who has violated a covered provision proves to the satisfaction of the court that the act or omission which violated the covered provision was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of a covered provision, such court may, in the discretion of the court, reduce the amount of liability to the amount and interest determined under subparagraphs (A) and (B), respectively; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief set forth in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and on behalf of—

(A) the employees; or

(B) the employees and other employees similarly situated.

(3) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) LIMITATIONS.—The right provided by paragraph (2) to bring an action by or on behalf of any employee shall terminate on the filing of a complaint by the Secretary in an action under subsection (c)(3) in which a recovery is sought of the damages described in paragraph (1)(A) owing to an employee by an employer liable under paragraph (1) unless the action described is dismissed without prejudice on motion of the Secretary.

(c) ACTIONS BY THE SECRETARY.—

(1) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of this Act in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of section 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207), and may issue an order making determinations, and assessing a civil penalty described in paragraph (3) (in accordance with paragraph (3)), with respect to such an alleged violation.

(2) ADMINISTRATIVE REVIEW.—An affected person who takes exception to an order issued under paragraph (1) may request review of and a decision regarding such an order by an administrative law judge. In reviewing the order, the administrative law judge may hold an administrative hearing concerning the order, in accordance with the requirements of sections 554, 556, and 557 of title 5, United States Code. Such hearing shall be conducted expeditiously. If no affected person requests such review within 60 days after the order is issued under paragraph (1), the order shall be considered to be a final order that is not subject to judicial review.

(3) CIVIL PENALTY.—An employer who willfully and repeatedly violates—

(A) paragraph (1), (4), or (5) of section 4(c) shall be subject to a civil penalty in an amount to be determined by the Secretary, but not to exceed $100 per violation; and

(B) subsection (b) or (c) of section 5 shall be subject to a civil penalty in an amount to be determined by the Secretary, but not to exceed $1,100 per violation.

(4) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction on behalf of aggrieved employees to—

(A) restrain violations of this Act;

(B) award such equitable relief as may be appropriate, including employment, reinstatement, and promotion; and

(C) in the case of a violation of a covered provision, recover the damages and interest described in subparagraphs (A) through (C) of subsection (b)(1).

(d) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an action may be brought under this section not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 5, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(3) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this section for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(e) OTHER ADMINISTRATIVE OFFICERS.—

(1) BOARD.—In the case of employees described in section 2(7)(C), the authority of the Secretary under this Act shall be exercised by the Board of Directors of the Office of Compliance.

(2) PRESIDENT; MERIT SYSTEMS PROTECTION BOARD.—In the case of employees described in section 2(7)(D), the authority of the Secretary under this Act shall be exercised by the President and the Merit Systems Protection Board.

(3) OFFICE OF PERSONNEL MANAGEMENT.—In the case of employees described in section 2(7)(E), the authority of the Secretary under this Act shall be exercised by the Office of Personnel Management.

(4) LIBRARIAN OF CONGRESS.—In the case of employees of the Library of Congress, the authority of the Secretary under this Act shall be exercised by the Librarian of Congress.

(5) COMPTROLLER GENERAL.—In the case of employees of the Government Accountability Office, the authority of the Secretary under this Act shall be exercised by the Comptroller General of the United States.

SEC. 7. NOTICE AND POSTING.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary (or the corresponding administrative officer specified in section 8) setting forth excerpts from, or summaries of, the pertinent provisions of this Act and information pertaining to the filing of a complaint under this Act.

(b) PENALTY.—Any employer that willfully violates this section may be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b) through (f), not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to implement this Act.

(b) BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Board of Directors of the Office of Compliance shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(7)(C).

(2) CONSIDERATION.—In prescribing the regulations, the Board shall take into consideration the enforcement and remedies provisions concerning the Board, and applicable to rights and protections under the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(3) MODIFICATIONS.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Board may determine, for good cause shown and stated together with the regulations issued by the Board, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act.

(c) PRESIDENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(7)(D).

(2) CONSIDERATION.—In prescribing the regulations, the President shall take into consideration the enforcement and remedies provisions concerning the President and the Merit Systems Protection Board, and applicable to rights and protections under the Family and Medical Leave Act of 1993, under chapter 5 of title 3, United States Code.

(3) MODIFICATIONS.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the President may determine, for good cause shown and stated together with the regulations issued by the President, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act.

(d) OFFICE OF PERSONNEL MANAGEMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(7)(E).

(2) CONSIDERATION.—In prescribing the regulations, the Office shall take into consideration the enforcement and remedies provisions concerning the Office under subchapter V of chapter 63 of title 5, United States Code.

(3) MODIFICATIONS.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Office may determine, for good cause shown and stated together with the regulations issued by the Office, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act.

(e) LIBRARIAN OF CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Librarian of Congress shall issue such regulations as may be necessary to implement this Act with respect to employees of the Library of Congress.

(2) CONSIDERATION.—In prescribing the regulations, the Librarian shall take into consideration the enforcement and remedies provisions concerning the Librarian of Congress under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(3) MODIFICATIONS.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Librarian may determine, for good cause shown and stated together with the regulations issued by the Librarian, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act.

(f) COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall issue such regulations as may be necessary to implement this Act with respect to employees of the Government Accountability Office.

(2) CONSIDERATION.—In prescribing the regulations, the Comptroller General shall take into consideration the enforcement and remedies provisions concerning the Comptroller General under title I of the Family and Medical Leave Act of 1993.

(3) MODIFICATIONS.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Comptroller General may determine, for good cause shown and stated together with the regulations issued by the Comptroller General, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act.

SEC. 9. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to employers, labor organizations, and the general public concerning compliance with this Act.

(b) PROGRAM.—In order to achieve the objectives of this Act—

(1) the Secretary, acting through the Administrator of the Wage and Hour Division of the Department of Labor, shall issue guidance on compliance with this Act regarding providing a flexible, predictable, or stable work environment through changes in the terms and conditions of employment as provided in section 3(a); and

(2) the Secretary shall carry on a continuing program of research, education, and technical assistance, including—

(A)(i) conducting pilot programs that implement fairer work schedules, including by promoting cross training, providing three weeks or more advance notice of schedules, providing employees with a minimum number of hours of work, and using computerized scheduling software to provide more flexible, predictable, and stable schedules for employees; and

(ii) evaluating the results of such pilot programs for employees, employee's families, and employers;

(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various communication media, and the general public the findings of studies regarding fair work scheduling policies and other materials for promoting compliance with this Act;

(C) sponsoring and assisting State and community informational and educational programs; and

(D) providing technical assistance to employers, labor organizations, professional associations, and other interested persons on means of achieving and maintaining compliance with the provisions of this Act.

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on—

(A) the impact of difficult scheduling practices on employees and employers, including unpredictable and unstable schedules and schedules over which employees have little control, and particularly how these scheduling practices impact absenteeism, workforce turnover, and employees' ability to meet their caregiving responsibilities;

(B) the prevalence in occupations not described in section 2(16)(A) of employees routinely receiving inadequate advance notice of the shifts or hours of the employees, being assigned split shifts, being sent home from work prior to the completion of their scheduled shift without being paid for the hours in their scheduled shift, being assigned call-in shifts (where the employee is required to contact the employer, or wait to be contacted by the employer, less than 24 hours in advance of the potential work shift to determine whether the employee must report to work), or being called into work outside of scheduled hours;

(C) the effects on employees in occupations not described in section 2(16)(A) of providing advance notice of work schedules, reporting time pay when employees are sent home without working their full scheduled shift or are assigned to call-in shifts but given no work for those shifts, and split shift pay when employees are assigned split shifts; and

(D) the effects on employers in occupations not described in section 2(16)(A) of providing advance notice of work schedules, reporting time pay when employees are sent home without working their full scheduled shift or assigned to call-in shifts but given no work for those shifts, and split shift pay when employees are assigned split shifts.

(2) REPORTS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the initial results of the study conducted pursuant to paragraph (1). Not later than 5 years after the date of enactment of this Act, the Comptroller General shall prepare and submit a follow-up report to such committees concerning the results of such study.

SEC. 10. RIGHTS RETAINED BY EMPLOYEES.

This Act provides minimum requirements and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater rights for employees than are required in this Act.

SEC. 11. EXEMPTION.

This Act shall not apply to any employee covered by a bona fide collective bargaining agreement if the terms of the collective bargaining agreement include terms that govern work scheduling practices.

SEC. 12. EFFECT ON OTHER LAW.

Nothing in this Act shall be construed as creating or imposing any requirement in conflict with any Federal or State law or regulation (including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), the National Labor Relations Act (29 U.S.C. 151 et seq.), and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)), nor shall anything in this Act be construed to diminish or impair the rights of an employee under any valid collective bargaining agreement.

By Mr. BOOKER (for himself and Mrs. FISCHER):

S. 2643. A bill to require a report by the Federal Communications Commission on designated market areas; to the Committee on Commerce, Science, and Transportation.

Mr. BOOKER. Mr. President, I rise today to introduce the Let Our Communities Access Local TV Act, or the LOCAL TV Act.

I am pleased that I've had the opportunity to collaborate with my friend and colleague, Senator FISCHER, and I know we both look forward to working with our fellow colleagues on the Commerce, Science and Transportation Committee to see that this legislation is enacted.

The LOCAL TV Act directs the Federal Communications Commission to study the impact of media market areas and to assess their impact on the ability of individuals to receive relevant, local news and information.

The current structure of media markets is one in which market areas can sprawl across State lines, creating situations in which you can live in one State, but be exclusively saddled in the media market of another.

My state of New Jersey is particularly affected by this situation because

it is one of only two States in the entire Nation that is served exclusively by out-of-state media markets. We are served by New York and Pennsylvania—both great places but not New Jersey.

Why does this matter? When someone in Patterson, Freehold, or Cape May, New Jersey turns on their local broadcast station—they are lucky when they find stories about their community's latest news, schools, and our local governments. This kind of New Jersey news, unfortunately, takes a back seat to that of neighboring Philadelphia and New York.

These pre-determined media markets often stifle our ability to hear about what's happening back home. We hear more about Philadelphia and New York City than we do about Morristown, Montclair, Camden and Jersey City.

To be sure, broadcast TV plays an important role in communities. It is particularly essential during emergencies and extreme weather events—for instance during Hurricane Sandy in 2012. Even while technology continues to grow and change the way we receive information, still 74 percent of adults get their news from their local broadcast stations, or from their broadcasters' websites.

Because of the existing digital divide, the number of people who rely on broadcast television is even higher when we look at low income communities. We owe them quality coverage of the local news and information they care about.

It is my hope that with further study and recommendations from the Federal Communications Commission we can continue the dialogue on how stations can best serve local communities, especially those who find themselves in media markets that cross state lines. I urge my colleagues to support the LOCAL TV ACT so that we can obtain more data and information on these markets.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 510—CONGRATULATING THE NEWPORT JAZZ FESTIVAL ON ITS 60TH ANNIVERSARY

Mr. REED (for himself and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 510

Whereas, in 1954, the first Newport Jazz Festival featured icons of American jazz such as Ella Fitzgerald, Billie Holiday, and Dizzie Gillespie;

Whereas the Newport Jazz Festival has provided some of the most memorable moments in jazz history, including the Duke Ellington Orchestra's 1956 performance of ''Diminuendo and Crescendo in Blue'', featuring a 27-chorus saxophone solo by Paul Gonsalves;

Whereas the ongoing mission of the Newport Jazz Festival is to celebrate jazz music and to make the case for its relevance;

Whereas the Newport Jazz Festival has become a world-renowned event featuring established and emerging artists and bringing together music lovers, musicians, academics, and critics;

Whereas for the past 60 years, the Newport Jazz Festival and the Newport Folk Festival have made a difference in the cultural life of the people of the United States and have provided a soundtrack of freedom for generations; and

Whereas, from August 1, 2014, through August 3, 2014, thousands of people will come together in Newport, Rhode Island, to celebrate the 60th Newport Jazz Festival: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 60th Newport Jazz Festival taking place from August 1, 2014, through August 3, 2014, in Newport, Rhode Island;

(2) recognizes the historical significance of the Newport Jazz Festival and the role the festival has played in celebrating jazz music and making it relevant to generations of people in the United States; and

(3) recognizes the musicians, sponsors, volunteers, and the community of Newport, Rhode Island for continuing the tradition of the Newport Jazz Festival.

SENATE RESOLUTION 511—ESTABLISHING BEST BUSINESS PRACTICES TO FULLY UTILIZE THE POTENTIAL OF THE UNITED STATES

Mr. SCOTT (for himself, Mr. PAUL, Mrs. FISCHER, Mr. PORTMAN, Mr. PRYOR, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 511

Whereas the Rooney Rule, formulated by Daniel Rooney, chairman of the Pittsburgh Steelers football team in the National Football League (referred to in this preamble as ''NFL''), requires every NFL team with a coach or general manager opening to interview at least 1 minority candidate;

Whereas the Rooney Rule has been successful in increasing minority representation among the higher leadership positions in professional football, as shown by the fact that in the 80 years between the hiring of Fritz Pollard as coach by the Akron Pros and the implementation of the Rooney Rule in 2003 there were only 7 minority head coaches but since 2003 there have been 13 minority head coaches;

Whereas the Rooney Rule has shown that once highly qualified and highly skilled diversity candidates are given exposure during the hiring process their abilities can be better utilized;

Whereas the RLJ Rule, formulated by Robert L. Johnson, founder of Black Entertainment Television (commonly known as ''BET'') and of The RLJ Companies, and based on the Rooney Rule from the NFL, similarly encourages companies to voluntarily establish a best practices policy to identify minority candidates and minority vendors by implementing a plan to interview a minimum of 2 qualified minority candidates for managerial openings at the director level and above and to interview at least 2 qualified minority businesses before approving a vendor contract;

Whereas, according to Crist-Kolder Associates as cited in the Wall Street Journal, at the top 668 companies in the United States, only 27 Chief Financial Officers are African-American, Hispanic, or of Asian descent;

Whereas underrepresented groups contain members with the necessary abilities, experience, and qualifications for any position available;

Whereas business practices such as the Rooney Rule or the RLJ Rule are neither an employment quota nor Federal law but rather a voluntary initiative instituted by willing entities to provide the human resources necessary to ensure success;

Whereas experience has shown that people of all genders, colors, and physical abilities can achieve excellence;

Whereas increased involvement of underrepresented workers would improve the economy of the United States and the experience of the people of the United States; and

Whereas ensuring the increased exposure and resulting increased advancement of diverse qualified candidates would result in gains by all people of the United States through stronger economic opportunities: Now, therefore, be it

Resolved, That the Senate encourages corporate, academic, and social entities, regardless of size or field of operation, to—

(1) develop an internal rule modeled after a successful business practice such as the Rooney Rule or RLJ Rule and, in accordance with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), adapt that rule to specifications that will best fit the procedures of the individual entity; and

(2) institute the individualized Rooney Rule or RLJ Rule to ensure that the entity will always consider candidates from underrepresented populations before making a final decision when searching for a business vendor or filling leadership position.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3575. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3576. Mr. KAINE (for himself and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3577. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3578. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3579. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3580. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3581. Mr. KAINE (for himself and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3575. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal