submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3640. Mrs. SHAHEEN (for herself, Mrs. BOXER, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3641. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3642. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3643. Mr. BEGICH 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 3644. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3645. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3646. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3647. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3648. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3649. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3650. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3651. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3652. Mr. KIRK (for himself, Ms. AYOTTE, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. HELLER, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3653. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3654. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3655. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3656. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. FLAKE, Mr. GRASSLEY, Mr. ISAKSON, Mr. JOHANNS, Mr. LEE, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3657. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. JOHANNS, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3658. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3659. Mr. SANDERS (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3608 submitted by Mr. PAUL and intended to be proposed to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3660. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3661. Mr. SCHUMER 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 3662. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3663. Mr. PORTMAN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3664. Mr. HATCH (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3665. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3666. Mr. HOEVEN (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3667. Mr. HOEVEN (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3668. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3669. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3670. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3671. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3672. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3673. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3674. Mr. WARNER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3675. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3676. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3677. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3678. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3679. Mr. JOHANNS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3680. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3681. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3682. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3683. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3684. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3685. Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3686. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3687. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3688. Mr. MENENDEZ 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 3689. Mrs. FISCHER (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3690. Mr. REID (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 462, recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia.

TEXT OF AMENDMENTS

SA 3626. Mr. BLUNT (for himself, Ms. AYOTTE, Mr. CHAMBLISS, Mr. COBURN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HATCH, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. PORTMAN, Mr.

PRYOR, Mr. SCOTT, Mr. VITTER, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to months beginning after December 31, 2013.

SA 3627. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. 4. ELIGIBILITY FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by striking ''under this section to a taxpayer'' and all that follows and inserting ''under this section to any taxpayer unless—

''(1) such taxpayer includes the taxpayer's valid identification number (as defined in section 6428(h)(2)) on the return of tax for the taxable year, and

''(2) with respect to any qualifying child, the taxpayer includes the name and taxpayer identification number of such qualifying child on such return of tax.''.

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

SA 3628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2013.

(d) SPECIAL RULE FOR CERTAIN PERIODS DURING 2014.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods after December 31, 2013, and before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SA 3629. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT WOULD CREATE A TAX OR FEE ON CARBON EMISSIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that includes a Federal tax or fee imposed on carbon emissions from any product or entity that is a direct or indirect source of the emissions.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 3630. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERALISM IN MEDICAL MARIJUANA.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given that term under section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) STATE MEDICAL MARIJUANA LAWS.—Notwithstanding section 708 of the Controlled Substances Act (21 U.S.C. 903) or any other provision of law (including regulations), a State may enact and implement a law that authorizes the use, distribution, possession, or cultivation of marijuana for medical use.

(c) PROHIBITION ON CERTAIN PROSECUTIONS.—No prosecution may be commenced or maintained against any physician or patient for a violation of any Federal law (including regulations) that prohibits the conduct described in subsection (b) if the State in which the violation occurred has in effect a law described in subsection (b) before, on, or after the date on which the violation occurred, including—

(1) Alabama;
(2) Alaska;
(3) Arizona;
(4) California;
(5) Colorado;
(6) Connecticut;
(7) Delaware;
(8) the District of Columbia;
(9) Florida;
(10) Hawaii;
(11) Illinois;
(12) Iowa;
(13) Kentucky;
(14) Maine;
(15) Maryland;
(16) Massachusetts;
(17) Michigan;
(18) Minnesota;
(19) Mississippi;
(20) Missouri;
(21) Montana;
(22) Nevada;
(23) New Hampshire;
(24) New Jersey;
(25) New Mexico;
(26) Oregon;
(27) Rhode Island;
(28) South Carolina;
(29) Tennessee;
(30) Utah;
(31) Vermont;
(32) Washington; and
(33) Wisconsin.

SA 3631. Mr. BARRASSO (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING PATIENTS FROM HIGHER PREMIUMS.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is repealed.

SA 3632. Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Internet has continued to drive economic growth, productivity and innovation since the Internet Tax Freedom Act was first enacted in 1998.

(2) The Internet promotes a nationwide economic environment that facilitates innovation, promotes efficiency, and empowers people to broadly share their ideas.

(3) According to the National Broadband Plan, cost remains the biggest barrier to consumer broadband adoption. Keeping Internet access affordable promotes consumer access to this critical gateway to jobs, education, healthcare, and entrepreneurial opportunities, regardless of race, income, or neighborhood.

(4) Small business owners rely heavily on affordable Internet access, providing them with access to new markets, additional consumers, and an opportunity to compete in the global economy.

(5) Economists have recognized that excessive taxation of innovative communications technologies reduces economic welfare more than taxes on other sectors of the economy.

(6) The provision of affordable access to the Internet is fundamental to the American economy and access to it must be protected from multiple and discriminatory taxes at the State and local level.

(7) As a massive global network that spans political boundaries, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under article I, section 8, clause 3 of the Constitution of the United States.

(b) 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''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed after the date of the enactment of this Act.

SA 3633. Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ENZI, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, Mr. FLAKE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 2210. TERMINATION.

''(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Bring Jobs Home Act.

''(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Bring Jobs Home Act—

''(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

''(2) section 2056A(b)(1)(B) shall not apply on or after such date.''.

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

''SEC. 2664. TERMINATION.

''This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Bring Jobs Home Act.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 2210. Termination.''.

(2) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

''Sec. 2664. Termination.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

SEC. _____. MODIFICATIONS OF GIFT TAX.

(a) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

''(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

''(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

''(2) RATE SCHEDULE.—

''If the amount with respect to which the tentative tax to be computed is:.	**The tentative tax is:**
Not over $10,000	18% of such amount.
Over $10,000 but not over $20,000.	$1,800, plus 20% of the excess over $10,000.
Over $20,000 but not over $40,000.	$3,800, plus 22% of the excess over $20,000.
Over $40,000 but not over $60,000.	$8,200, plus 24% of the excess over $40,000.
Over $60,000 but not over $80,000.	$13,000, plus 26% of the excess over $60,000.
Over $80,000 but not over $100,000.	$18,200, plus 28% of the excess over $80,000.
Over $100,000 but not over $150,000.	$23,800, plus 30% of the excess over $100,000.
Over $150,000 but not over $250,000.	$38,800, plus 32% of the excess of $150,000.
Over $250,000 but not over $500,000.	$70,800, plus 34% of the excess over $250,000.
Over $500,000	$155,800, plus 35% of the excess of $500,000.''.

(b) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.''.

(c) LIFETIME GIFT EXEMPTION.—

(1) IN GENERAL.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $5,000,000, reduced by''.

(2) INFLATION ADJUSTMENT.—Section 2505 of such Code is amended by adding at the end the following new subsection:

''(d) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year after 2011, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 2505(a) of such Code is amended by striking the last sentence.

(2) The heading for section 2505 of such Code is amended by striking ''**UNIFIED**''.

(3) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

''Sec. 2505. Credit against gift tax.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts made on or after the date of the enactment of this Act.

(f) TRANSITION RULE.—

(1) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(2) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

SA 3634. Mr. THUNE (for himself, Mr. ROBERTS, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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. _____. 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.

SA 3635. Mr. THUNE (for himself, Mr. ROBERTS, and Mr. ISAKSON) submitted

an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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).

(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.

SA 3636. Mr. THUNE (for himself, Mr. TOOMEY, Mr. ROBERTS, Mr. LEE, Mr. FLAKE, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF 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(c)(2)(A) for such calendar year, determined by substituting calendar year 2013 for calendar year 2012 in clause (ii) 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.

SA 3637. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT AGREEMENTS AND CONTRACTS.

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

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

''(5) CANCELLATION CEILINGS.—

''(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

''(B) NOTICE.—

''(i) SUBMISSION TO CONGRESS.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

''(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

''(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

''(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

''(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

''(ii) TRANSMITTAL TO OMB.—At least 14 days before the date on which the Chief and Director enter into an agreement or contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).''.

SA 3638. Mr. MORAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. EXCEPTION TO ANNUAL WRITTEN PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(f) EXCEPTION TO ANNUAL WRITTEN NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

''(2) has not changed its policies and practices with respect to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section; and

''(3) otherwise provides customers access to such most recent disclosure in electronic or other form permitted by regulations prescribed under section 504,

shall not be required to provide an annual written disclosure under this section, until such time as the financial institution fails to comply with paragraph (1), (2), or (3).''.

SA 3639. Mr. MORAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mr. CRUZ, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. PROHIBITION ON LAND MANAGEMENT MODIFICATIONS RELATING TO LESSER PRAIRIE CHICKEN.

Notwithstanding any other provision of law (including regulations), the Secretary of Agriculture and the Secretary of the Interior shall not implement or limit any modification to a public or private land-related policy or subsurface mineral right-related policy or practice that is in effect on the date of enactment of this Act relating to the listing of the Lesser Prairie Chicken as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 3640. Mrs. SHAHEEN (for herself, Mrs. BOXER, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCEMENT OF THE DEPENDENT CARE TAX CREDIT.

(a) INCREASE IN DEPENDENT CARE TAX CREDIT.—

(1) INCREASE IN INCOMES ELIGIBLE FOR FULL CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 20 percent reduced (but not below zero) by 1 percentage point for each $5,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $200,000.''.

(2) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) of section 21 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$3,000'' in paragraph (1) and inserting ''$8,000'', and

(B) by striking ''$6,000'' in paragraph (2) and inserting ''$16,000''.

(3) INFLATION ADJUSTMENT.—Section 21 of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subsection (f) as subsection (g), and

(B) by inserting after subsection (e) the following new subsection:

''(f) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2015, the $200,000 amount in subsection (a)(2) and each of the dollar amounts in subsection (c) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2014' for '1992' in subparagraph (B) thereof.

''(2) ROUNDING.—The amount of any increase under paragraph (1) shall be rounded—

''(A) for purposes of the dollar amount in subsection (a)(2), the nearest multiple of $1,000, and

''(B) for purposes of the dollar amounts in subsection (c), the nearest multiple of $100.''.

(b) DEPENDENT CARE TAX CREDIT TO BE REFUNDABLE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 21, as amended by subsection (a), as section 36C, and

(B) by moving section 36C, as so redesignated, from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) TECHNICAL AMENDMENTS.—

(A) Paragraph (1) of section 23(f) of the Internal Revenue Code of 1986 is amended by striking ''21(e)'' and inserting ''36C(e)''.

(B) Paragraph (6) of section 35(g) of such Code is amended by striking ''21(e)'' and inserting ''36C(e)''.

(C) Paragraph (1) of section 36C(a) of such Code (as redesignated by paragraph (1)) is amended by striking ''this chapter'' and inserting ''this subtitle''.

(D) Subparagraph (C) of section 129(a)(2) of such Code is amended by striking ''section 21(e)'' and inserting ''section 36C(e)''.

(E) Paragraph (2) of section 129(b) of such Code is amended by striking ''section 21(d)(2)'' and inserting ''section 36C(d)(2)''.

(F) Paragraph (1) of section 129(e) of such Code is amended by striking ''section 21(b)(2)'' and inserting ''section 36C(b)(2)''.

(G) Subsection (e) of section 213 of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(H) Subparagraph (A) of section 6211(b)(4) of such Code is amended by inserting ''36C,'' after ''36B,''.

(I) Subparagraph (H) of section 6213(g)(2) of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(J) Subparagraph (L) of section 6213(g)(2) of such Code is amended by striking ''section 21, 24, 32,'' and inserting ''section 24, 32, 36C,''.

(K) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(L) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following:

''Sec. 36C. Expenses for household and dependent care services necessary for gainful employment.''.

(M) The table of sections for subpart A of such part IV of such Code is amended by striking the item relating to section 21.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

SA 3641. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL BUSINESS ACCESS TO CAPITAL.

(a) SHORT TITLE.—This section may be cited as the ''Small Business Access to Capital Act of 2014''.

(b) NEW TRANCHES OF CAPITAL FOR SUCCESSFUL STATE PROGRAMS.—Section 3003 of the Small Business Jobs Act of 2010 (12 U.S.C. 5702) is amended by adding at the end the following:

''(d) ADDITIONAL ALLOCATION AND COMPETITIVE AWARDS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible participating State' means a participating State that has certified to the Secretary that the State has expended, transferred, or obligated not less than 80 percent of the second ⅓ of the 2010 allocation transferred to the State under subsection (c)(1)(A)(iii); and

''(B) the term 'unused funds' means—

''(i) amounts made available to the Secretary under clause (i)(II) or (ii)(II) of paragraph (2)(E); and

''(ii) amounts made available to the Secretary under paragraph (4)(B)(ii).

''(2) ALLOCATION FOR 2010 PARTICIPATING STATES.—

''(A) ALLOCATION.—Of the amount made available under paragraph (6)(D), the Secretary shall allocate a total of $500,000,000 among eligible participating States in the same ratio as funds were allocated under the 2010 allocation under subsection (b)(1) among participating States.

''(B) APPLICATION.—An eligible participating State desiring to receive funds allocated under this paragraph shall submit an application—

''(i) not later than the later of—

''(I) June 30, 2015; or

''(II) the date that is 6 months after the date of enactment of the Small Business Access to Capital Act of 2014; and

''(ii) in such manner and containing such information as the Secretary may require.

''(C) AVAILABILITY OF ALLOCATED AMOUNT.—Notwithstanding subsection (c)(1), after an eligible participating State approved by the Secretary to receive an allocation under this paragraph has certified to the Secretary that the eligible participating State has expended, transferred, or obligated not less than 80 percent of the last ⅓ of the 2010 allocation to the eligible participating State, the Secretary shall transfer to the eligible participating State the funds allocated to the eligible participating State under this paragraph.

''(D) USE OF TRANSFERRED FUNDS.—An eligible participating State may use funds transferred under this paragraph for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(E) TERMINATION OF AVAILABILITY OF AMOUNTS.—

''(i) IN GENERAL.—If an eligible participating State has not certified to the Secretary that the State has expended, transferred, or obligated not less than 80 percent of the last ⅓ of the 2010 allocation as of the date that is 2 years after the date on which the Secretary approves the eligible participating State to receive an allocation under this paragraph, any amounts allocated to the eligible participating State under this paragraph—

''(I) may not be transferred to the eligible participating State under this paragraph; and

''(II) shall be available to the Secretary to make awards under paragraph (4).

''(ii) OTHER AMOUNTS.—Effective on the date that is 2 years after the date of enactment of the Small Business Access to Capital Act of 2014, any amounts allocated under this paragraph to a participating State that, as of such date, is not an eligible participating State or to an eligible participating State that did not submit an application under subparagraph (B) or was not approved by the Secretary to receive an allocation under this paragraph—

''(I) may not be transferred to an eligible participating State under this paragraph; and

''(II) shall be available to the Secretary to make awards under paragraph (4).

''(3) COMPETITIVE FUNDING.—

''(A) IN GENERAL.—Of the amount made available under paragraph (6)(D), the Secretary may award, on a competitive basis, not more than a total of $1,000,000,000 to participating States and consortiums of participating States for use for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(B) APPLICATION.—

''(i) IN GENERAL.—A participating State or consortium of participating States desiring to receive an award under this paragraph shall submit an application—

''(I) not later than the date established by the Secretary, which shall be not later than the date that is 1 year after the date of enactment of the Small Business Access to Capital Act of 2014; and

''(II) in such manner and containing such information as the Secretary may require.

''(ii) NUMBER OF APPLICATIONS.—A participating State may submit not more than 1 application on behalf of the participating State and not more than 1 application as part of a consortium of participating States.

''(iii) STATES THAT DID NOT PARTICIPATE.—A State that is not a participating State may apply to the Secretary for approval to be a participating State for purposes of this paragraph and paragraph (4), in accordance with section 3004.

''(C) FACTORS.—In determining whether to make an award to a participating State or consortium of participating States under this paragraph, the Secretary shall consider—

''(i) how the participating State or consortium of participating States plan to use amounts provided under the award under the approved State program to—

''(I) leverage private sector capital;

''(II) create and retain jobs during the 2-year period beginning on the date of the award;

''(III) serve businesses that have been incorporated or in operation for not more than 5 years; and

''(IV) serve low-or-moderate-income communities;

''(ii) the extent to which the participating State or consortium of participating States will establish or continue a robust self-evaluation of the activities of the participating State or consortium of participating States using amounts made available under this title;

''(iii) the extent to which the participating State or consortium of participating States will provide non-Federal funds in excess of the amount required under subparagraph (E); and

''(iv) the extent to which the participating State expended, obligated, or transferred the 2010 allocation to the State.

''(D) AWARD OF FUNDS.—

''(i) FIRST TRANCHE.—Notwithstanding subsection (c)(1), and not later than 30 days after making an award under this paragraph to a participating State or consortium of participating States, the Secretary shall transfer 50 percent of the amount of the award to the participating State or consortium of participating States.

''(ii) SECOND TRANCHE.—After a participating State or consortium of participating States has certified to the Secretary that the participating State or consortium of participating States has expended, transferred, or obligated not less than 80 percent of the amount transferred under clause (i), the Secretary shall transfer to the participating State or consortium of participating States the remaining amount of the award.

''(E) STATE SHARE.—The State share of the cost of the activities, excluding administrative expenses, carried out using an award under this paragraph shall be not less than 10 percent. The Secretary may determine what contributions by a State qualify as part of the State share of the cost for purposes of this subparagraph.

''(4) AWARD OF UNUSED FUNDS.—

''(A) IN GENERAL.—The Secretary may award, on a competitive basis, unused funds to participating States for use for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(B) UNUSED 2010 FUNDS.—

''(i) IN GENERAL.—The Secretary shall determine whether any amounts allocated to a participating State under subsection (b) shall be deemed no longer allocated and no longer available if a participating State has not certified to the Secretary that the State has expended, transferred, or obligated 80 percent of the second ⅓ of the 2010 allocation by December 31, 2016.

''(ii) AVAILABILITY.—Effective on the date of the determination under clause (i), any amounts identified in the determination that were deemed no longer allocated and no longer available to the participating State shall be available to the Secretary to make awards under this paragraph.

''(C) APPLICATION.—A participating State desiring to receive an award under this paragraph shall submit an application—

''(i) not later than 3 months after the date on which funds are deemed no longer allocated and no longer available to any participating State; and

''(ii) in such manner and containing such information as the Secretary may require.

''(D) FACTORS.—In determining whether to make an award to a participating State under this paragraph, the Secretary shall consider the factors described in paragraph (3)(C).

''(E) MINIMUM AMOUNT.—The Secretary may not make an award of less than $5,000,000 under this paragraph.

''(5) EXTENSION OF COMPLIANCE AND REPORTING.—Notwithstanding section 3007(d), a participating State that receives funds under paragraph (2), (3), or (4) shall submit quarterly and annual reports containing the information described in section 3007 until the end of the 8-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014.

''(6) ADMINISTRATION AND IMPLEMENTATION.—

''(A) ADMINISTRATIVE EXPENSES FOR PARTICIPATING STATES.—A participating State may use not more than 3 percent of the amount made available to the participating State under paragraph (2), (3), or (4) for administrative expenses incurred by the participating State in implementing an approved State program.

''(B) CONTRACTING.—During the 1-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014, and notwithstanding any other provision of law relating to public contracting, the Secretary may enter into contracts to carry out this subsection.

''(C) AMOUNTS NOT ASSISTANCE.—Any amounts transferred to a participating State under paragraph (2), (3), or (4) shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

''(D) APPROPRIATION.—There are appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out this subsection, including to pay reasonable costs of administering the programs under this subsection, to remain available until expended.

''(E) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the program under this subsection shall terminate at the end of the 8-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014.''.

SA 3642. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMPLOYEE PAYROLL TAX HOLIDAY FOR NEWLY HIRED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 3111 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) SPECIAL EXEMPTION FOR ELIGIBLE VETERANS HIRED DURING CERTAIN CALENDAR QUARTERS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to 50 percent of the wages paid by the employer with respect to employment during the holiday period of any eligible veteran for services performed—

''(A) in a trade or business of the employer, or

''(B) in the case of an employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under such section.

''(2) HOLIDAY PERIOD.—For purposes of this subsection, the term 'holiday period' means the period of 4 consecutive calendar quarters beginning with the first day of the first calendar quarter beginning after the date of the enactment of the Bring Jobs Home Act.

''(3) ELIGIBLE VETERAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible veteran' means a veteran who—

''(i) begins work for the employer during the holiday period,

''(ii) was discharged or released from the Armed Forces of the United States under conditions other than dishonorable, and

''(iii) is not an individual described in section 51(i)(1) (applied by substituting 'employer' for 'taxpayer' each place it appears).

''(B) VETERAN.—The term 'veteran' means any individual who—

''(i) has served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 days, or has been discharged or released from active duty in the Armed Forces of the United States for a service-connected disability (within the meaning of section 101 of title 38, United States Code),

''(ii) has not served on extended active duty (as such term is used in section 51(d)(3)(B)) in the Armed Forces of the United States on any day during the 60-day period ending on the hiring date, and

''(iii) provides to the employer a copy of the individual's DD Form 214, Certificate of Release or Discharge from Active Duty, that includes the nature and type of discharge.

''(4) ELECTION.—An employer may elect not to have this subsection apply. Such election shall be made in such manner as the Secretary may require.

''(5) COORDINATION WITH WORK OPPORTUNITY CREDIT.—For coordination with the work opportunity credit, see section 51(3)(D).''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 51 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) DENIAL OF CREDIT FOR VETERANS SUBJECT TO 50 PERCENT PAYROLL TAX HOLIDAY.—If section 3111(d)(1) (as amended by the Bring Jobs Home Act) applies to any wages paid by an employer, the term 'qualified veteran' does not include any individual who begins work for the employer during the holiday period (as defined in section 3111(d)(2)) unless the employer makes an election not to have section 3111(d) apply.''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 51 of such Code is amended by striking paragraph (5).

SA 3643. Mr. BEGICH 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; as follows:

At the end of subtitle B of title III, add the following:

SEC. 317. REPORT FOR ENERGY-REMOTE MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the assistant secretaries responsible for installations and environment for the military services, shall submit to the congressional defense committees a report detailing the current cost and sources of energy at each military installation in States with energy-remote military installations, and viable and feasible options for achieving energy efficiency and cost savings at those military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at energy-remote military installations.

(B) An assessment of current sources of energy in States with energy-remote military installations and potential future sources that are technologically feasible, cost-effective, and mission-appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy-efficient solutions in States with energy-remote military installations, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing energy-remote military installations, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''energy-remote military installation'' means military installations in the United States not connected to an extensive electrical energy grid.

SA 3644. Mr. BEGICH 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; as follows:

At the end of subtitle F of title III, add the following:

SEC. 354. CLARIFICATION THAT DEPARTMENT OF DEFENSE EMPLOYEES PAID USING NONAPPROPRIATED FUNDS ARE SUBJECT TO THE SAME COST-COMPARISON REVIEW PROCEDURES AS OTHER DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

Section 2461(a)(1) of title 10, United States Code, is amended, in the matter preceding subparagraph (A)—

(1) by inserting '', including nonappropriated functions,'' after ''No function''; and

(2) by inserting '', including civilian employees who perform nonappropriated functions,'' after ''Department of Defense civilian employees''.

SA 3645. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. CREDIT FOR SHRIMP PRODUCTION AND EFFICIENCY IMPROVEMENTS.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45S. CREDIT FOR SHRIMP PRODUCTION AND EFFICIENCY IMPROVEMENTS.

''(a) IN GENERAL.—For purposes of section 38, in the case of a shrimp harvester or shrimp processor, the shrimp production and efficiency improvements credit determined under this section for the taxable year shall be an amount equal to $0.50 per pound of wild-caught shrimp lawfully harvested or processed by the taxpayer during the taxable year.

''(b) DEFINITIONS.—For purposes of this section

''(1) SHRIMP HARVESTER.—The term 'shrimp harvester' means any vessel with a valid commercial license issued by any State or territory of the United States to harvest shrimp from a wild fishery.

''(2) SHRIMP PROCESSOR.—The term 'shrimp processor' means any facility located within the United States with a valid processing license for processing shrimp.

''(3) POUND.—The term 'pound' means, with respect to wild-caught shrimp, the round (whole) weight by pound of the wild-caught shrimp, or if such shrimp is not in whole form, the weight by pound of such shrimp equivalent to the round (whole) weight of such shrimp, based on the conversion factors used by the National Marine Fisheries Service. In the case of a shrimp processor, the weight of wild-caught shrimp shall be determined before processing operations are undertaken.

''(4) WILD-CAUGHT SHRIMP.—The term 'wild-caught shrimp' means shrimp that qualifies as 'wild fish' according to section 281(9) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638(9)).

''(c) TERMINATION.—This section shall not apply to wild-caught shrimp harvested or processed after December 31, 2019.''.

(2) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—

(A) IN GENERAL.—Subsection (b) of section 38 of such Code is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the shrimp production and efficiency improvements credit determined under section 45S(a).''.

(B) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) of such Code is amended by redesignating clauses (vii) through (ix) as clauses (viii) through (x), respectively, and by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45S,''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45S. Credit for shrimp production and efficiency improvements.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wild-caught shrimp (as defined in section 45S(b)(4) of the Internal Revenue Code of 1986, as added by this section) harvested or processed after the date of the enactment of this Act, in taxable years ending after such date.

(b) MODIFICATION TO CHILD TAX CREDIT REQUIRING PROOF OF CITIZENSHIP OR RESIDENCE.—

(1) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by adding ''and includes with such return information (in such form and manner as the Secretary prescribes) which establishes that the qualifying child is a citizen,

national, or resident of the United States'' before the period at the end thereof.

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

SA 3646. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE NATIONAL LABOR RELATIONS ACT.

Section 9(b) of the National Labor Relations Act (29 U.S.C. 159(b)) is amended by striking the first sentence and inserting the following: ''In each case, prior to an election, the Board shall determine, in order to ensure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, excluding acute health care facilities, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity.''.

SA 3647. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EQUAL ACCESS TO DECLARATORY JUDGMENTS FOR ORGANIZATIONS SEEKING TAX-EXEMPT STATUS.

(a) IN GENERAL.—Subparagraph (A) of section 7428(a)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) or 501(d) which is exempt from tax under section 501(a) or as an organization described in section 170(c)(2),''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to pleadings filed after the date of the enactment of this Act.

SA 3648. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NOTICE REQUIRED BEFORE REVOCATION OF TAX EXEMPT STATUE FOR FAILURE TO FILE RETURN.

(a) IN GENERAL.—Section 6033(j) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) REQUIREMENT OF NOTICE.—

''(A) IN GENERAL.—Not later than 300 days after the date an organization described in paragraph (1) fails to file the annual return or notice referenced in paragraph (1) for 2 consecutive years, the Secretary shall notify the organization—

''(i) that the Internal Revenue Service has no record of such a return or notice from such organization for 2 consecutive years, and

''(ii) about the penalty that will occur under this subsection if the organization fails to file such a return or notice by the date of the next filing deadline.

The notification under the preceding sentence shall include information about how to comply with the filing requirements under subsection (a)(1) and (i).''.

(b) REINSTATEMENT WITHOUT APPLICATION.—Paragraph (3) of section 6033(j) of such Code, as redesignated under subsection (a), is amended—

(1) by striking ''Any organization'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), any organization'', and

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

''(B) RETROACTIVE REINSTATEMENT WITHOUT APPLICATION IF ACTUAL NOTICE NOT PROVIDED.—If an organization described in paragraph (1)—

''(i) demonstrates to the satisfaction of the Secretary that the organization did not receive the notice required under paragraph (2), and

''(ii) files an annual return or notice referenced in paragraph (1) for the current year,

then the Secretary may reinstate the organization's exempt status effective from the date of the revocation under paragraph (1) without the need for an application.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2014.

SA 3649. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING COMPREHENSIVE TAX REFORM.

It is the sense of the Senate that Congress should enact comprehensive pro-growth tax reform that lowers corporate and individual tax rates and modernizes the international tax system of the United States in order to promote American jobs and competitiveness and help families be more financially secure.

SA 3650. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SOUND REGULATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Sound Regulation Act of 2014''.

(b) FINDINGS.—Congress finds the following:

(1) Growing Federal regulation that is highly prescriptive in nature burdens and impairs the international competitiveness of industry in the United States.

(2) Prescriptive regulation takes away flexibility, is adversarial in nature, leads to unintended consequences, and, especially as it proliferates, slows economic growth and job creation.

(3) Despite evidence of increasing regulatory costs, Federal agencies hold fast to the presumption that their rules are in the public interest.

(4) Some statutes prohibit agencies from considering costs and benefits in rulemaking, although no statutes prohibit agencies from analyzing the costs and benefits of rules for informative purposes.

(5)(A) Cost-benefit analysis is not institutionalized for independent regulatory agencies.

(B) Executive agencies perform cost-benefit analysis pursuant to Executive order and under the purview of the Office of Information and Regulatory Affairs (commonly referred to as ''OIRA''), which takes direction from the President.

(C) Peer review is not required for cost-benefit analysis by independent regulatory agencies or executive agencies.

(6) There are no—

(A) statutory standards for cost-benefit analysis in Federal rulemaking; or

(B) consistent, material consequences when rules are based on faulty or inadequate analysis.

(7) Agencies—

(A) conduct their own regulatory impact analysis—

(i) largely by methods of their own choosing; and

(ii) only on a small fraction of the rules they issue; and

(B) use regulatory cost-benefit analysis mainly in support of favored, preconceived rules rather than as a decision tool.

(8) Common deficiencies in the regulatory analysis used by agencies include—

(A) lack of a coherent theory by which to—

(i) define a problem;

(ii) determine why the problem occurs; and

(iii) guide the agency to the most efficient response;

(B) lack of objective evidence that an actionable problem actually exists, what its dimensions are, and how they differ from acceptable norms;

(C) lack of comprehensive analysis to—

(i) determine whether a market malfunction exists; and

(ii) orient rulemaking to the causes, not the symptoms, of the market malfunction;

(D) failure to set clear and realistic objectives whose benefits justify the cost of achieving the objectives;

(E) objectives that—

(i) are disconnected from costs; and

(ii) may be expansive and vague so that any regulation can be made to appear beneficial;

(F) agencies increasingly claiming—

(i) incidental benefits (also know as ''co-benefits'') that are not in furtherance of the stated objective; and

(ii) even private, as opposed to public, benefits for rules;

(G) failure to—

(i) develop regulatory options in light of market analysis; and

(ii) rank regulatory options by how efficiently they will improve the market process;

(H) inconsistent assumptions and methodologies across agencies;

(I) invalid baselines for gauging regulatory effects;

(J) the omission of important impacts, such as the impact on employment and on the international competitiveness of United States firms;

(K) failure to reevaluate regulations after implementation; and

(L) failure to consider the cumulative costs of regulation by the various Federal, State, local, and tribal agencies.

(9)(A) Despite continually changing market conditions, agencies do not—

(i) regularly review their existing regulations and regulatory regimes; or

(ii) review the division of functions—

(I) among different Federal agencies; or

(II) among Federal, State, local, and tribal agencies.

(B) Regulations lose their purpose, yet linger and accumulate, imposing unnecessary costs and slowing economic growth to the detriment of—

(i) material living standards; and,

(ii) to some extent, the very social conditions that are the objects of regulation.

(10)(A) Agencies typically do not—

(i) proactively conduct regulatory cost studies; and

(ii) report to Congress on unnecessary costs that are not under the control of the agencies because of the way laws are written.

(B) Agency recommendations on how to improve the efficiency of regulation by modifying an existing statute could be helpful to Congress.

(c) UNIFORM USE OF COST-BENEFIT ANALYSIS.—Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) Before an agency publishes or otherwise provides notice of a notice of proposed rulemaking under this section, the agency shall comply with the following requirements with respect to the proposed rule:

''(A) The agency shall identify, in the context of a coherent conceptual framework and supported with objective data—

''(i) the nature and significance of the market failure, regulatory failure, or other problem that necessitates regulatory action;

''(ii) the reasons why national economic and income growth, advancing technology, and other market developments will not obviate the need for the rulemaking;

''(iii) the reasons why regulation at the State, local, or tribal level could not address the problem better than at the Federal level;

''(iv) the reasons why reducing rather than increasing the extent or stringency of existing Federal regulation would not address the problem better; and

''(v) the particular authority under which the agency may take action.

''(B) Before the agency increases the extent or stringency of regulation based on its determinations pursuant to subparagraph (A), the agency shall—

''(i) set an achievable objective for its regulatory action and identify the metrics by which the agency will measure progress toward the objective;

''(ii) issue a notice of inquiry seeking public comment on the identification of a new objective under clause (i); and

''(iii) give notice to the committees of Congress with jurisdiction over the subject matter of the rule.

''(C) If the agency is not seeking to repeal a rule, the agency shall develop not less than 3 distinct regulatory options, in addition to not regulating, that the agency estimates will provide the greatest benefits for the least cost in meeting the regulatory objective set under subparagraph (B) and, in developing such regulatory options, shall apply the following principles:

''(i) The agency shall, to the extent practicable—

''(I) attempt to engage private incentives to solve a problem; and

''(II) not supplant private incentives any more than necessary.

''(ii) The agency shall consider the adverse effects that mandates and prohibitions may have on innovation, economic growth, and employment.

''(iii)(I) The agency's risk assessment shall be confined to the jurisdiction of the agency, subject to specific regulatory authority.

''(II) Agency assessments of the risks of adverse health and environmental effects shall follow standardized parameters, assumptions, and methodologies.

''(III) The agency shall provide analyses of increases in risks, whatever their nature, produced by the regulatory options under consideration.

''(iv) The agency shall avoid incongruities and duplication in regulation at the Federal, State, local, and tribal levels.

''(v) The agency shall compare and contrast the regulatory options developed and explain how each would meet the regulatory objective set pursuant to subparagraph (B).

''(D) The agency shall estimate the costs and benefits of each regulatory option developed, notwithstanding any provision of law that prohibits the agency from using costs in rulemaking, at least to the extent that the agency is able to—

''(i) exclude options whose costs exceed their benefits;

''(ii) rank the options by cost from lowest to highest;

''(iii) estimate the monetary cost of any adverse effects on private property rights, identify the categories of persons who experience a net loss from a regulatory option, and explain why the negative effects cannot be lessened or avoided;

''(iv) establish whether the cost of an option exceeds $50,000,000 for any 12-month period, except that the dollar amount shall be adjusted annually for inflation based on the GDP deflator, and the President may order that a lower dollar amount be used for a particular period;

''(v) identify the key uncertainties and assumptions that drive the results of the analysis under clause (iv); and

''(vi) provide an analysis of how the ranking of the options and the threshold determination under clause (iv) may change if key assumptions are changed.

''(E) The estimates pursuant to subparagraph (D) shall—

''(i) follow the methodology established pursuant to paragraph (2)(A);

''(ii) to the maximum extent practicable, comply with any guidelines issued by the Administrator of the Office of Information and Regulatory Affairs pertaining to cost-benefit analysis; and

''(iii) include, at a minimum—

''(I) agency administrative costs;

''(II) United States private sector compliance costs;

''(III) Federal, State, local, and tribal compliance costs;

''(IV) Federal, State, local, and tribal revenue impacts;

''(V) impacts from the regulatory options developed on United States industries in the role of suppliers and consumers to each industry substantially affected, especially in terms of employment, costs, volume and quality of output, and prices;

''(VI) nationwide impacts on overall economic output, productivity, and consumer and producer prices;

''(VII) international competitiveness of United States companies; and

''(VIII) distortions in incentives and markets, including an estimate of the resulting loss to the United States economy.

''(F) The agency shall—

''(i) publish for public comment all analyses, documentation, and data under subparagraphs (A) through (D) for a public comment period of not less than 30 days (subject to applicable limitations under law, including laws protecting privacy, trade secrets, and intellectual property); and

''(ii) correct deficiencies or omissions that the agency becomes aware of before choosing a rule to propose.

''(2)(A)(i) Beginning not later than the date that is 180 days after the date of enactment of the Sound Regulation Act of 2014, each agency shall, by rule—

''(I) establish and maintain a specific cost-benefit analysis methodology appropriate to the functions and responsibilities of the agency; and

''(II) establish an appropriate period for review of new rules to assess the cost effectiveness of each such new rule at achieving the objective that the new rule was intended to address, as identified under paragraph (1)(B)(i).

''(ii) The methodology established by an agency under clause (i) shall—

''(I) include the standardized parameters, assumptions, and methodologies for agency assessments of risk under paragraph (1)(C)(iii);

''(II) comply, to the maximum extent practicable, with technical standards for methodologies and assumptions issued by the Administrator for the Office of Information and Regulatory Affairs;

''(III) include the scope of benefits and costs consistent with the framework used and the metrics identified in the establishment of the regulatory objective under paragraph (1);

''(IV) not include consideration of incidental benefits but only those benefits that were considered in the establishment of the regulatory objective under paragraph (1);

''(V) limit consideration of costs and benefits to costs and benefits that accrue to the population of the United States;

''(VI) constrain the agency from presuming that continued augmentation or tightening of mandates and additional prohibitions cause benefits and costs to change linearly but instead determine at what point benefits will rise less than, and costs will rise more than, proportionally;

''(VII) include comparison of incremental benefits to incremental costs from any action the agency considers taking and refrain from actions whose incremental benefits do not exceed their incremental costs; and

''(VIII) include analysis of effects on private incentives and possible unintended consequences.

''(iii) Each agency shall adhere to the methodology established by the agency under this subparagraph in all rulemakings.

''(B) If an agency does not select the least-cost regulatory option as its proposed rule, the agency shall justify its selection, explaining—

''(i) how that selection furthers other goals or requirements relevant to regulating matters within the jurisdiction of the agency and why these should override cost savings; and

''(ii) why each of the other regulatory options not chosen would not sufficiently further such other goals or requirements.

''(C) Any person may petition an agency to amend an existing rule made prior to the establishment of methodology under this paragraph, and, if the agency denies such a petition, that denial shall be subject to review under chapter 7 of this title.

''(3) If an agency makes a determination under paragraph (1)(D) that the monetized cost of a rule exceeds the applicable monetary limit under clause (iv) of such paragraph for any 12-month period—

''(A) the head of the agency shall—

''(i) first issue an advanced notice of proposed rulemaking;

''(ii) provide notice to the appropriate Congressional committees; and

''(iii) keep the committees described in clause (ii) informed of the status of the rulemaking;

''(B) the agency shall—

''(i) notify—

''(I) the Administrator of the Small Business Administration (referred to in this paragraph as the 'Administrator');

''(II) the Director of the Office of Management and Budget (referred to in this paragraph as the 'Director'); and

''(III) affected parties; and

''(ii) provide each person described in clause (i) with information on—

''(I) the potential effects of the proposed rule on affected parties; and

''(II) the type of affected parties that might be affected;

''(C) not later than 15 days after the date of receipt of the information described in subparagraph (B)(ii), the Director, in consultation with the Administrator, shall—

''(i) identify representatives of affected parties, not less than 25 percent of which shall, when possible, represent small business concerns (as such term is defined in section 3(a) of the Small Business Act (15 U.S.C. 623(a)); and

''(ii) provide each major stakeholder with the opportunity to obtain advice and recommendations about the potential effects of the proposed rule;

''(D) the agency shall convene a review panel that consists wholly of—

''(i) full-time Federal officers, employees, and contractors in the agency;

''(ii) the Director;

''(iii) the Administrator; and

''(iv) the representatives of affected parties identified under subparagraph (C)(i);

''(E) the agency shall—

''(i) conduct a detailed analysis of the costs and benefits of the regulatory option that the agency is advancing; and

''(ii) in conducting the detailed analysis under clause (i)—

''(I) consider the cumulative and interactive costs of regulatory requirements of Federal, State, local, tribal, and, where applicable, international regulations;

''(II) identify the key uncertainties and assumptions that drive the results of the analysis; and

''(III) provide an analysis of how the ranking of the regulatory options changes if the key assumptions identified under subclause (II) are changed;

''(F) the review panel convened under subparagraph (D) shall review—

''(i) all agency material prepared in connection with this subsection, including any draft proposed rule; and

''(ii) the advice and recommendations of each representative of an affected party identified under subparagraph (C)(i);

''(G) not later than 60 days after the date on which the agency convenes the review panel under subparagraph (D)—

''(i) the review panel shall report on—

''(I) the comments of each representative of an affected party identified under subparagraph (C)(i); and

''(II) the findings of the review panel as to issues related to the provisions of this subsection; and

''(ii) the report under clause (i) shall be made public as part of the rulemaking record;

''(H) if appropriate, the agency shall modify the proposed rule or the cost-benefit analysis under subparagraph (E) based on the report under subparagraph (G);

''(I) subject to applicable limitations under law, including laws protecting privacy, trade secrets, and intellectual property, the agency shall—

''(i) publish for comment all analyses, documentation, and data under this subsection for a public comment period of not less than 30 days; and

''(ii) correct deficiencies or omissions that the agency becomes aware of before adopting a proposed rule; and

''(J) the agency shall ensure that affected parties, including State, local, or tribal governments, and other stakeholders, may participate in the rulemaking, by means such as—

''(i) the publication of advanced and general notices of proposed rulemaking in publications likely to be obtained by affected parties;

''(ii) the direct notification of interested affected parties;

''(iii) the conduct of open conferences or public hearings, including soliciting and receiving comments over computer networks; and

''(iv) reducing the cost or complexity of procedural rules to ease participation in the rulemaking.

''(4) Every 4 years, each agency shall—

''(A) conduct a review of all rules of the agency that are in effect; and

''(B) determine based on objective data whether the rules are—

''(i) working as intended;

''(ii) furthering their objectives;

''(iii) imposing unanticipated costs; or

''(iv) generating a net benefit or not;

''(C) amend the rules if appropriate; and

''(D) report to Congress the findings of the review conducted under this paragraph.

''(5) Notwithstanding any other provision of law, including any provision of law that explicitly prohibits the use of cost-benefit analysis in rulemaking, an agency shall conduct cost-benefit analyses and report to Congress the findings with specific recommendations for how to lower regulatory costs by amending the statutes prohibiting the use thereof.

''(6) For purposes of this subsection—

''(A) the term 'regulatory options' means any action an agency may take to address an objective identified under paragraph (1)(B)(i), including the option not to act;

''(B) the term 'private incentives'—

''(i) means financial gains or losses that motivate actions by private individuals and businesses; and

''(ii) does not include any law or regulation that prescribes private actions or outcomes; and

''(C) the term 'incidental benefit' means a claimed benefit outside the specific regulatory objective or objectives that a rule is intended to address, as identified under paragraph (1)(B)(i).

''(7) All determinations made under this subsection shall be subject to review under chapter 7.''.

(d) CONGRESSIONAL REVIEW.—Section 801(a)(2) of title 5, United States Code, is amended by adding at the end the following:

''(C) The Comptroller General shall—

''(i) examine the cost-benefit analysis for compliance with the requirements of section 553(f), including the agency methodology established under section 553(f)(2)(A);

''(ii) examine any risk analysis under section 553(f)(1)(C)(iii) pertaining to the cost-benefit analysis for compliance with the requirements under section 553(f); and

''(iii)(I) examine the agencies' quadrennial regulatory reviews conducted under section 553(f)(4) for consistency with the requirements under section 553(f); and

''(II) report to Congress on the results of the examination under subclause (I).''.

SA 3651. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.

Section 102 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6622) is amended—

(1) in subsection (b), by striking paragraph (7) and inserting the following:

''(7) develop and update a national manufacturing competitiveness strategic plan in accordance with subsection (c).''; and

(2) by striking subsection (c) and inserting the following:

''(c) NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Bring Jobs Home Act, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, the strategic plan developed under paragraph (2).

''(2) DEVELOPMENT.—The Committee shall develop (and update as required under paragraph (8)), in coordination with the National Economic Council, a strategic plan to improve Government coordination and provide long-term guidance for Federal programs and activities in support of United States manufacturing competitiveness, including advanced manufacturing research and development.

''(3) COMMITTEE CHAIRPERSON.—In developing and updating the strategic plan, the Secretary of Commerce, or a designee of the Secretary, shall serve as the chairperson of the Committee.

''(4) GOALS.—The goals of such strategic plan shall be to—

''(A) promote growth, job creation, sustainability, and competitiveness in the United States manufacturing sector;

''(B) support the development of a skilled manufacturing workforce;

''(C) enable innovation and investment in domestic manufacturing; and

''(D) support national security.

''(5) CONTENTS.—Such strategic plan shall—

''(A) specify and prioritize near-term and long-term objectives to meet the goals of the plan, including research and development objectives, the anticipated timeframe for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

''(B) describe the progress made in achieving the objectives from prior strategic plans, including a discussion of why specific objectives were not met;

''(C) specify the role, including the programs and activities, of each relevant Federal agency in meeting the objectives of the strategic plan;

''(D) describe how the Federal agencies and federally funded research and development centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new

products and processes for the benefit of society to ensure national, energy, and economic security;

''(E) describe how such Federal agencies and centers will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

''(F) describe how such Federal agencies and centers will assist small- and medium-sized manufacturers in developing and implementing new products and processes;

''(G) take into consideration and include a discussion of the analysis conducted under paragraph (6); and

''(H) solicit public input (which may be accomplished through the establishment of an advisory panel under paragraph (7)), including the views of a wide range of stakeholders, and consider relevant recommendations of Federal advisory committees.

''(6) PRELIMINARY ANALYSIS.—

''(A) IN GENERAL.—As part of developing such strategic plan, the Committee, in collaboration with Federal departments and agencies whose missions contribute to or are affected by manufacturing, shall conduct an analysis of factors that impact the competitiveness and growth of the United States manufacturing sector, including—

''(i) research, development, innovation, transfer of technologies to the marketplace, and commercialization activities in the United States;

''(ii) the adequacy of the industrial base for maintaining national security;

''(iii) the state and capabilities of the domestic manufacturing workforce;

''(iv) export opportunities and domestic trade enforcement policies;

''(v) financing, investment, and taxation policies and practices;

''(vi) the state of emerging technologies and markets; and

''(vii) efforts and policies related to manufacturing promotion undertaken by competing nations.

''(B) RELIANCE ON EXISTING INFORMATION.—To the extent practicable, in completing the analysis under subparagraph (A), the Committee shall use existing information and the results of previous studies and reports.

''(7) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The chairperson of the Committee may appoint an advisory panel of private sector and nonprofit leaders to provide input, perspective, and recommendations to assist in the development of the strategic plan under this subsection.

''(B) MEMBERSHIP.—The panel shall have no more than 15 members, and shall include representatives of manufacturing businesses, labor representatives of the manufacturing workforce, academia, and groups representing interests affected by manufacturing activities.

''(C) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the Advisory Panel.

''(8) UPDATES.—Not later than May 1, 2018, and not less frequently than once every 4 years thereafter, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, an update of the strategic plan transmitted under paragraph (1). Such updates shall be developed in accordance with the procedures set forth under this subsection.

''(9) REQUIREMENT TO CONSIDER STRATEGY IN THE BUDGET.—In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in the strategic plan developed under this subsection applying to that fiscal year.''.

SA 3652. Mr. KIRK (for himself, Ms. AYOTTE, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. HELLER, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. CERTIFICATION REQUIRED FOR EXERCISE OF CERTAIN WAIVERS OF PROVISIONS OF LAW IMPOSING SANCTIONS WITH RESPECT TO IRAN.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the President may not exercise a waiver specified in subsection (b) in connection with the extension of the terms of the Joint Plan of Action beyond July 20, 2014, unless the President certifies to Congress before the waiver takes effect and every 60 days thereafter that any funds made available to the Government of Iran as a result of the waiver will not facilitate the ability of that Government—

(1) to provide support for—

(A) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an Executive order or by the Office of Foreign Assets Control of the Department of the Treasury before July 22, 2014;

(B) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) before July 22, 2014; or

(C) any other terrorist organization, including Hamas, Hezbollah, Palestinian Islamic Jihad, and the regime of Bashar al-Assad in Syria;

(2) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

(3) to commit any violation of the human rights of the people of Iran.

(b) WAIVERS SPECIFIED.—A waiver specified in this subsection is any of the following:

(1) A waiver provided for under section 4(c) or 9(c) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) to the imposition of sanctions under section 5(a)(7) of that Act.

(2) A waiver provided for under paragraph (5) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) to the imposition of sanctions under paragraph (1) of that section.

(3) A waiver provided for under subsection (e) of section 302 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8742) to the identification of foreign persons under subsection (a) of that section.

(4) A waiver provided for under subsection (i) of section 1244 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803) to the imposition of sanctions under subsection (c) of that section.

(c) JOINT PLAN OF ACTION DEFINED.—In this section, the term ''Joint Plan of Action'' means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States.

SA 3653. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. NATIONAL PARK ACCESS.

(a) FINDINGS.—Congress finds that—

(1) during the period in October 2013 in which there was a lapse in appropriations (referred to in this subsection as the ''Government shutdown''), the National Park Service entered into agreements with the States of Arizona, Colorado, New York, South Dakota, Tennessee, and Utah to temporarily reopen iconic national treasures in the National Park System, such as the Grand Canyon, Mount Rushmore, and the Statue of Liberty;

(2) pursuant to the agreements described in paragraph (1), the States listed in paragraph (1) advanced approximately $2,000,000 to the National Park Service to pay for park operations during the Government shutdown;

(3) the units of the National Park System that were temporarily reopened using State funds also collected gate entry fees;

(4) the Government shutdown ended when Congress passed the Continuing Appropriations Act, 2014 (Public Law 113–46), which retroactively funded Federal agencies and Federal employee salaries for the period of time during which the Government was shut down;

(5) by virtue of the retroactive appropriation made by Congress, the National Park Service retained an unintended shutdown windfall from the States listed in paragraph (1) of approximately $2,000,000; and

(6) the States listed in paragraph (1) that entered into agreements described in paragraph (1) with the National Park Service should be fully reimbursed for advancing funds to maintain public access to iconic national treasures in the National Park System during the Government shutdown.

(b) REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.—

(1) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(2) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this subsection.

SA 3654. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PUBLIC ACCESS TO PUBLIC LAND GUARANTEE.

(a) FINDINGS.—Congress finds that—

(1) public land in the United States is managed and administered for the use and enjoyment of present and future generations;

(2) the National Park System (including National Parks, National Monuments, and National Recreation Areas) is managed for the benefit and inspiration of all the people of the United States;

(3) the National Wildlife Refuge System is administered for the benefit of present and future generations of people in the United States, with priority consideration for compatible wildlife-dependent general public uses of the National Wildlife Refuge System;

(4) the National Forest System is dedicated to the long-term benefit of present and future generations; and

(5) the reopening and temporary operation and management of public land, the National Park System, the National Wildlife Refuge System, and the National Forest System

using funds from States and political subdivisions of States during periods in which the Federal Government is unable to operate and manage the areas at normal levels due to a lapse in appropriations is consistent with the values and purposes for which those areas were established.

(b) DEFINITIONS.—In this section:

(1) COVERED UNIT.—The term ''covered unit'' means—

(A) public land;

(B) units of the National Park System;

(C) units of the National Wildlife Refuge System; or

(D) units of the National Forest System.

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land under the jurisdiction of the Secretary of the Interior; or

(B) the Secretary of Agriculture, with respect to land under the jurisdiction of the Secretary of Agriculture.

(c) AGREEMENT TO KEEP PUBLIC LAND OPEN DURING A GOVERNMENT SHUTDOWN.—

(1) IN GENERAL.—Subject to paragraph (2), if a State or political subdivision of the State offers, the Secretary shall enter into an agreement with the State or political subdivision of the State under which the United States may accept funds from the State or political subdivision of the State to reopen, in whole or in part, any covered unit within the State or political subdivision of the State during any period in which there is a lapse in appropriations for the covered unit.

(2) APPLICABILITY.—The authority under paragraph (1) shall only be in effect during any period in which the Secretary is unable to operate and manage covered units at normal levels, as determined in accordance with the terms of agreement entered into under paragraph (1).

(3) REFUND.—The Secretary shall refund to the State or political subdivision of the State all amounts provided to the United States under an agreement entered into under paragraph (1)—

(A) on the date of enactment of an Act retroactively appropriating amounts sufficient to maintain normal operating levels at the covered unit reopened under an agreement entered into under paragraph (1); or

(B) on the date on which the State or political subdivision establishes, in accordance with the terms of the agreement, that, during the period in which the agreement was in effect, fees for entrance to, or use of, the covered units were collected by the Secretary.

(4) VOLUNTARY REIMBURSEMENT.—If the requirements for a refund under paragraph (3) are not met, the Secretary may, subject to the availability of appropriations, reimburse the State and political subdivision of the State for any amounts provided to the United States by the State or political subdivision under an agreement entered into under paragraph (1).

SA 3655. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) of the Internal Revenue Code of 1986 are each amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2016'':

(1) Paragraph (1).

(2) Paragraph (2)(A).

(3) Paragraph (3)(A).

(4) Paragraph (4)(B).

(5) Paragraph (6).

(6) Paragraph (7).

(7) Paragraph (9).

(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014'' and inserting ''January 1, 2016''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2014.

SA 3656. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. FLAKE, Mr. GRASSLEY, Mr. ISAKSON, Mr. JOHANNS, Mr. LEE, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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.

(c) CLERICAL AMENDMENT.—The table of subchapter for chapter 32 of such Code is amended by striking the item related to subchapter E.

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

SA 3657. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. JOHANNS, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF THE EMPLOYER MANDATE.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3658. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—UNITED STATES EMPLOYEE OWNERSHIP BANK

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States Employee Ownership Bank Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) between January 2000 and June 2014, the manufacturing sector lost 5,162,000 jobs;

(2) as of June 2014, only 12,121,000 workers in the United States were employed in the manufacturing sector, lower than June 1941;

(3) at the end of 2013, the United States had a trade deficit of $474,864,000,000, including a record-breaking $318,417,200,000 trade deficit with China;

(4) preserving and increasing decent paying jobs must be a top priority of Congress;

(5) providing loan guarantees, direct loans, and technical assistance to employees to buy their own companies will preserve and increase employment in the United States; and

(6) the time has come to establish the United States Employee Ownership Bank to preserve and expand jobs in the United States through Employee Stock Ownership Plans and worker-owned cooperatives.

SEC. 203. DEFINITIONS.

In this title—

(1) the term ''Bank'' means the United States Employee Ownership Bank, established under section 204;

(2) the term ''eligible worker-owned cooperative'' has the same meaning as in section 1042(c)(2) of the Internal Revenue Code of 1986;

(3) the term ''employee stock ownership plan'' has the same meaning as in section 4975(e)(7) of the Internal Revenue Code of 1986; and

(4) the term ''Secretary'' means the Secretary of the Treasury.

SEC. 204. ESTABLISHMENT OF UNITED STATES EMPLOYEE OWNERSHIP BANK WITHIN THE DEPARTMENT OF THE TREASURY.

(a) ESTABLISHMENT OF BANK.—

(1) IN GENERAL.—Before the end of the 90-day period beginning on the date of enactment of this title, the Secretary shall establish the United States Employee Ownership Bank, to foster increased employee ownership of United States companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION OF THE BANK.—

(A) MANAGEMENT.—The Secretary shall appoint a Director to serve as the head of the Bank, who shall serve at the pleasure of the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as are necessary to carry out the functions of the Bank.

(b) DUTIES OF BANK.—The Bank is authorized to provide loans, on a direct or guaranteed basis, which may be subordinated to the interests of all other creditors—

(1) to purchase a company through an employee stock ownership plan or an eligible worker-owned cooperative, which shall be at least 51 percent employee owned, or will become at least 51 percent employee owned as a result of financial assistance from the Bank;

(2) to allow a company that is less than 51 percent employee owned to become at least 51 percent employee owned;

(3) to allow a company that is already at least 51 percent employee owned to increase the level of employee ownership at the company; and

(4) to allow a company that is already at least 51 percent employee owned to expand operations and increase or preserve employment.

(c) PRECONDITIONS.—Before the Bank makes any subordinated loan or guarantees a loan under subsection (b)(1), a business plan shall be submitted to the bank that—

(1) shows that—

(A) not less than 51 percent of all interests in the company is or will be owned or controlled by an employee stock ownership plan or eligible worker-owned cooperative;

(B) the board of directors of the company is or will be elected by shareholders on a one share to one vote basis or by members of the eligible worker-owned cooperative on a one member to one vote basis, except that shares held by the employee stock ownership plan will be voted according to section 409(e) of the Internal Revenue Code of 1986, with participants providing voting instructions to the trustee of the employee stock ownership plan in accordance with the terms of the employee stock ownership plan and the requirements of that section 409(e); and

(C) all employees will receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(2) includes a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will generate enough of a margin to pay back any loan, subordinated loan, or loan guarantee that was made possible through the Bank.

(d) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—Notwithstanding any other provision of law, a loan that is provided or guaranteed under this section shall—

(1) bear interest at an annual rate, as determined by the Secretary—

(A) in the case of a direct loan under this title—

(i) sufficient to cover the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

(ii) of 4 percent; and

(B) in the case of a loan guaranteed under this section, in an amount that is equal to the current applicable market rate for a loan of comparable maturity; and

(2) have a term not to exceed 12 years.

SEC. 205. EMPLOYEE RIGHT OF FIRST REFUSAL BEFORE PLANT OR FACILITY CLOSING.

Section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) is amended—

(1) in the section heading, by adding at the end the following: ''**; EMPLOYEE STOCK OWNERSHIP PLANS OR ELIGIBLE WORKER-OWNED COOPERATIVES**''; and

(2) by adding at the end the following:

''(e) EMPLOYEE STOCK OWNERSHIP PLANS AND ELIGIBLE WORKER-OWNED COOPERATIVES.—

''(1) GENERAL RULE.—If an employer orders a plant or facility closing in connection with the termination of its operations at such plant or facility, the employer shall offer its employees an opportunity to purchase such plant or facility through an employee stock ownership plan (as that term is defined in section 4975(e)(7) of the Internal Revenue Code of 1986) or an eligible worker-owned cooperative (as that term is defined in section 1042(c)(2) of the Internal Revenue Code of 1986) that is at least 51 percent employee owned. The value of the company which is to be the subject of such plan or cooperative shall be the fair market value of the plant or facility, as determined by an appraisal by an independent third party jointly selected by the employer and the employees. The cost of the appraisal may be shared evenly between the employer and the employees.

''(2) EXEMPTIONS.—Paragraph (1) shall not apply—

''(A) if an employer orders a plant closing, but will retain the assets of such plant to continue or begin a business within the United States; or

''(B) if an employer orders a plant closing and such employer intends to continue the business conducted at such plant at another plant within the United States.''.

SEC. 206. REGULATIONS ON SAFETY AND SOUNDNESS AND PREVENTING COMPETITION WITH COMMERCIAL INSTITUTIONS.

Before the end of the 90-day period beginning on the date of enactment of this title, the Secretary of the Treasury shall prescribe such regulations as are necessary to implement this title and the amendments made by this title, including—

(1) regulations to ensure the safety and soundness of the Bank; and

(2) regulations to ensure that the Bank will not compete with commercial financial institutions.

SEC. 207. COMMUNITY REINVESTMENT CREDIT.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following:

''(e) ESTABLISHMENT OF EMPLOYEE STOCK OWNERSHIP PLANS AND ELIGIBLE WORKER-OWNED COOPERATIVES.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency may consider as a factor capital investments, loans, loan participation, technical assistance, financial advice, grants, and other ventures undertaken by the institution to support or enable employees to establish employee stock ownership plans or eligible worker-owned cooperatives (as those terms are defined in sections 4975(e)(7) and 1042(c)(2) of the Internal Revenue Code of 1986, respectively), that are at least 51 percent employee-owned plans or cooperatives.''.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, $500,000,000 for fiscal year 2015, and such sums as may be necessary for each fiscal year thereafter.

SA 3659. Mr. SANDERS (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3608 submitted by Mr. PAUL and intended to be proposed to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

On page 4 of the amendment, after line 9, insert the following:

SEC. ____. ENDING CONFLICTS OF INTERESTS.

(a) FINDINGS.—Congress finds the following:

(1) In October 2011, the Government Accountability Office found that—

(A) allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System;

(B) 18 former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis;

(C) many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions;

(D) under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in ''hazardous'' condition;

(E) 21 members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System; and

(F) the Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

(b) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking ''chosen by and be representative of the stockholding banks'' and inserting ''designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank''.

(c) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking ''be elected'' and inserting ''be designated by the Board of Governors of the Federal Reserve System''.

(d) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

''No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

''No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.''.

(e) REPORTS TO CONGRESS.—The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions of this section are followed.

SA 3660. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. WORKER OWNERSHIP, READINESS, AND KNOWLEDGE.

(a) SHORT TITLE.—This section may be cited as the ''Worker Ownership, Readiness, and Knowledge Act'' or the ''WORK Act''.

(b) DEFINITIONS.—In this section:

(1) EXISTING PROGRAM.—The term ''existing program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that exists on the date the Secretary is carrying out a responsibility authorized by this section.

(2) INITIATIVE.—The term ''Initiative'' means the Employee Ownership and Participation Initiative established under subsection (c).

(3) NEW PROGRAM.—The term ''new program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that does not exist on the date the Secretary is carrying out a responsibility authorized by this section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor, acting through the Assistant Secretary for Employment and Training.

(5) STATE.—The term ''State'' means any of the 50 States within the United States of America.

(c) EMPLOYEE OWNERSHIP AND PARTICIPATION INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish within the Employment and Training Administration of the Department of Labor an Employee Ownership and Participation Initiative to promote employee ownership and employee participation in business decisionmaking.

(2) FUNCTIONS.—In carrying out the Initiative, the Secretary shall—

(A) support within the States existing programs designed to promote employee ownership and employee participation in business decisionmaking; and

(B) facilitate within the States the formation of new programs designed to promote employee ownership and employee participation in business decisionmaking.

(3) DUTIES.—To carry out the functions enumerated in paragraph (2), the Secretary shall—

(A) support new programs and existing programs by—

(i) making Federal grants authorized under subsection (e); and

(ii)(I) acting as a clearinghouse on techniques employed by new programs and existing programs within the States, and disseminating information relating to those techniques to the programs; or

(II) funding projects for information gathering on those techniques, and dissemination of that information to the programs, by groups outside the Employment and Training Administration; and

(B) facilitate the formation of new programs, in ways that include holding or funding an annual conference of representatives from States with existing programs, representatives from States developing new programs, and representatives from States without existing programs.

(d) PROGRAMS REGARDING EMPLOYEE OWNERSHIP AND PARTICIPATION.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to encourage new and existing programs within the States, designed to foster employee ownership and employee participation in business decisionmaking throughout the United States.

(2) PURPOSE OF PROGRAM.—The purpose of the program established under paragraph (1) is to encourage new and existing programs within the States that focus on—

(A) providing education and outreach to inform employees and employers about the possibilities and benefits of employee ownership, business ownership succession planning, and employee participation in business decisionmaking, including providing information about financial education, employee teams, open-book management, and other tools that enable employees to share ideas and information about how their businesses can succeed;

(B) providing technical assistance to assist employee efforts to become business owners, to enable employers and employees to explore and assess the feasibility of transferring full or partial ownership to employees, and to encourage employees and employers to start new employee-owned businesses;

(C) training employees and employers with respect to methods of employee participation in open-book management, work teams, committees, and other approaches for seeking greater employee input; and

(D) training other entities to apply for funding under this subsection, to establish new programs, and to carry out program activities.

(3) PROGRAM DETAILS.—The Secretary may include, in the program established under paragraph (1), provisions that—

(A) in the case of activities under paragraph (2)(A)—

(i) target key groups such as retiring business owners, senior managers, unions, trade associations, community organizations, and economic development organizations;

(ii) encourage cooperation in the organization of workshops and conferences; and

(iii) prepare and distribute materials concerning employee ownership and participation, and business ownership succession planning;

(B) in the case of activities under paragraph (2)(B)—

(i) provide preliminary technical assistance to employee groups, managers, and retiring owners exploring the possibility of employee ownership;

(ii) provide for the performance of preliminary feasibility assessments;

(iii) assist in the funding of objective third-party feasibility studies and preliminary business valuations, and in selecting and monitoring professionals qualified to conduct such studies; and

(iv) provide a data bank to help employees find legal, financial, and technical advice in connection with business ownership;

(C) in the case of activities under paragraph (2)(C)—

(i) provide for courses on employee participation; and

(ii) provide for the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques; and

(D) in the case of training under paragraph (2)(D)—

(i) provide for visits to existing programs by staff from new programs receiving funding under this section; and

(ii) provide materials to be used for such training.

(4) GUIDANCE.—The Secretary shall issue formal guidance, for recipients of grants awarded under subsection (e) and one-stop partners affiliated with the statewide workforce investment systems described in section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2881), proposing that programs and other activities funded under this section be—

(A) proactive in encouraging actions and activities that promote employee ownership of, and participation in, businesses; and

(B) comprehensive in emphasizing both employee ownership of, and participation in, businesses so as to increase productivity and broaden capital ownership.

(e) GRANTS.—

(1) IN GENERAL.—In carrying out the program established under subsection (d), the Secretary may make grants for use in connection with new programs and existing programs within a State for any of the following activities:

(A) Education and outreach as provided in subsection (d)(2)(A).

(B) Technical assistance as provided in subsection (d)(2)(B).

(C) Training activities for employees and employers as provided in subsection (d)(2)(C).

(D) Activities facilitating cooperation among employee-owned firms.

(E) Training as provided in subsection (d)(2)(D) for new programs provided by participants in existing programs dedicated to the objectives of this section, except that, for each fiscal year, the amount of the grants made for such training shall not exceed 10 percent of the total amount of the grants made under this section.

(2) AMOUNTS AND CONDITIONS.—The Secretary shall determine the amount and any conditions for a grant made under this subsection. The amount of the grant shall be subject to paragraph (6), and shall reflect the capacity of the applicant for the grant.

(3) APPLICATIONS.—Each entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) STATE APPLICATIONS.—Each State may sponsor and submit an application under paragraph (3) on behalf of any local entity consisting of a unit of State or local government, State-supported institution of higher education, or nonprofit organization, meeting the requirements of this section.

(5) APPLICATIONS BY ENTITIES.—

(A) ENTITY APPLICATIONS.—If a State fails to support or establish a program pursuant to this section during any fiscal year, the Secretary shall, in the subsequent fiscal years, allow local entities described in paragraph (4) from that State to make applications for grants under paragraph (3) on their own initiative.

(B) APPLICATION SCREENING.—Any State failing to support or establish a program pursuant to this section during any fiscal year may submit applications under paragraph (3) in the subsequent fiscal years but may not screen applications by local entities described in paragraph (4) before submitting the applications to the Secretary.

(6) LIMITATIONS.—A recipient of a grant made under this subsection shall not receive, during a fiscal year, in the aggregate, more than the following amounts:

(A) For fiscal year 2015, $300,000.

(B) For fiscal year 2016, $330,000.

(C) For fiscal year 2017, $363,000.

(D) For fiscal year 2018, $399,300.

(E) For fiscal year 2019, $439,200.

(7) ANNUAL REPORT.—For each year, each recipient of a grant under this subsection shall submit to the Secretary a report describing how grant funds allocated pursuant to this subsection were expended during the 12-month period preceding the date of the submission of the report.

(f) EVALUATIONS.—The Secretary is authorized to reserve not more than 10 percent of the funds appropriated for a fiscal year to carry out this section, for the purposes of conducting evaluations of the grant programs identified in subsection (e) and to provide related technical assistance.

(g) REPORTING.—Not later than the expiration of the 36-month period following the date of enactment of this Act, the Secretary

shall prepare and submit to Congress a report—

(1) on progress related to employee ownership and participation in businesses in the United States; and

(2) containing an analysis of critical costs and benefits of activities carried out under this section.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the purpose of making grants pursuant to subsection (e) the following:

(A) For fiscal year 2015, $3,850,000.

(B) For fiscal year 2016, $6,050,000.

(C) For fiscal year 2017, $8,800,000.

(D) For fiscal year 2018, $11,550,000.

(E) For fiscal year 2019, $14,850,000.

(2) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated for the purpose of funding the administrative expenses related to the Initiative, for each of fiscal years 2015 through 2019, an amount not in excess of—

(A) $350,000; or

(B) 5.0 percent of the maximum amount available under paragraph (1) for that fiscal year.

SA 3661. Mr. SCHUMER 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; as follows:

On page 384, between lines 9 and 10, insert the following:

PART III—AMENDMENTS RELATED TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT

SEC. 1078A. PRE-ELECTION REPORTING REQUIREMENT ON TRANSMISSION OF ABSENTEE BALLOTS.

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''Not later than 90 days'' and inserting the following:

''(1) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—

''(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report containing the information in subparagraph (B) to the Attorney General and the Presidential designee, and make that report publicly available that same day.

''(B) INFORMATION REPORTED.—The report under subparagraph (A) shall consist of the following:

''(i) The total number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 47th day before the election.

''(ii) The total number of ballots transmitted to such voters by the 46th day before the election by each unit of local government within the State that will administer the election.

''(iii) If the chief State election official has incomplete information on any items required to be included in the report, an explanation of what information is incomplete information and efforts made to acquire such information, including the identity of any unit of local government that failed to provide required information to the State.

''(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

''(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

''(2) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED'' and inserting ''REPORTS ON ABSENTEE BALLOTS''.

SEC. 1078B. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended to read as follows:

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);''.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff–1(g)) is amended to read as follows:

''(g) BALLOT TRANSMISSION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 47 days before an election for Federal office, the following rules shall apply:

''(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

''(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

''(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

''(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

''(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

''(II) in any other case, provide for the return of such ballot by express delivery.

''(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

''(I) shall not be paid by the voter, and

''(II) may be required by the State to be paid by a local jurisdiction if the State determines that election officials in such jurisdiction are responsible for the failure to transmit the ballot by any date required under this paragraph.

''(iv) EXCEPTION.—Clause (ii)(II) shall not apply when an absent uniformed services voter or overseas voter indicates the preference to return the late sent absentee ballot by electronic transmission in a State that permits return of an absentee ballot by electronic transmission.

''(v) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to fully resolve or prevent ongoing, future, or systematic violations of this provision.

''(C) SPECIAL PROCEDURE IN EVENT OF DISASTER.—If a disaster (hurricane, tornado, earthquake, storm, volcanic eruption, landslide, fire, flood, or explosion), or an act of terrorism prevents the State from transmitting any absentee ballot by the 46th day before the election as required by subparagraph (A), it shall notify the Attorney General as soon as practicable and take all actions necessary, including seeking any necessary judicial relief, to ensure that affected absent uniformed services voters and overseas voters are provided a reasonable opportunity to receive and return their absentee ballots in time to be counted.

''(2) REQUESTS RECEIVED AFTER 47TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 47 days but not less than 30 days before an election for Federal office, the State shall transmit the absentee ballot not later than 3 business days after such request is received.''.

SEC. 1078C. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(3)) is amended by striking ''general elections'' and inserting ''general, special, primary, and runoff elections''.

(b) CONFORMING AMENDMENT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) in subsection (b)(2)(B), by striking ''general'', and

(2) in the heading thereof, by striking ''**GENERAL**''.

SEC. 1078D. TREATMENT OF POST CARD REGISTRATION REQUESTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(j) TREATMENT OF POST CARD REGISTRATIONS.—A State shall not remove any voter who has registered to vote using the official post card form (prescribed under section 101) except in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)).''.

SEC. 1078E. TREATMENT OF BALLOT REQUESTS.

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) by inserting ''or overseas voter'' after ''submitted by an absent uniformed services voter''; and

(2) by striking ''members of the uniformed services'' and inserting ''absent uniformed services voters or overseas voters''.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking ''A State'' and inserting the following:

''(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State'', and

(B) by adding at the end the following new subsections:

''(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

''(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by

an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to either of the following:

''(A) VOTERS CHANGING REGISTRATION.—A voter removed from the list of official eligible voters in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)).

''(B) UNDELIVERABLE BALLOTS.—A voter whose ballot is returned by mail to the State or local election officials as undeliverable or, in the case of a ballot delivered electronically, if the email sent to the voter was undeliverable or rejected due to an invalid email address.''.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking ''**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**'' and inserting ''**TREATMENT OF BALLOT REQUESTS**''.

(3) REVISION TO POSTCARD FORM.—

(A) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) enables a voter using the form to—

(i) request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election); or

(ii) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in paragraph (1).

(B) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term ''Presidential designee'' means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SEC. 1078F. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(6)) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

SEC. 1078G. BIENNIAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND COMPTROLLER GENERAL REVIEW.

(a) IN GENERAL.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a(b)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''March 31 of each year'' and inserting ''June 30 of each odd-numbered year''; and

(B) by striking ''the following information'' and inserting ''the following information with respect to the Federal elections held during the 2 preceding calendar years'';

(2) in paragraph (1), by striking ''separate assessment'' each place it appears and inserting ''separate assessment and statistical analysis''; and

(3) in paragraph (2)—

(A) by striking ''section 1566a'' in the matter preceding subparagraph (A) and inserting ''sections 1566a and 1566b'';

(B) by striking ''such section'' each place it appears in subparagraphs (A) and (B) and inserting ''such sections''; and

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

''(C) The number of completed official postcard forms prescribed under section 101(b)(2) that were completed by absent uniformed services members and accepted and transmitted.''.

(b) COMPTROLLER GENERAL REVIEWS.—Section 105A of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) COMPTROLLER GENERAL REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW.—The Comptroller General shall conduct a review of any reports submitted by the Presidential designee under subsection (b) with respect to elections occurring in calendar years 2014 through 2020.

''(B) REPORT.—Not later than 180 days after a report is submitted by the Presidential designee under subsection (b), the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the review conducted under subparagraph (A).

''(2) MATTERS REVIEWED.—A review conducted under paragraph (1) shall assess—

''(A) the methodology used by the Presidential designee to prepare the report and to develop the data presented in the report, including the approach for designing, implementing, and analyzing the results of any surveys,

''(B) the effectiveness of any voting assistance covered in the report provided under subsection (b) and provided by the Presidential designee to absent overseas uniformed services voters and overseas voters who are not members of the uniformed services, including an assessment of—

''(i) any steps taken toward improving the implementation of such voting assistance; and

''(ii) the extent of collaboration between the Presidential designee and the States in providing such voting assistance; and

''(C) any other information the Comptroller General considers relevant to the review.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(2) Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) in paragraph (5), by striking ''101(b)(7)'' and inserting ''101(b)(6)''; and

(B) in paragraph (11), by striking ''101(b)(11)'' and inserting ''101(b)(10)''.

(3) Section 105A(b) of such Act (42 U.S.C. 1973ff–4a(b)) is amended—

(A) by striking ''ANNUAL REPORT'' in the subsection heading and inserting ''BIENNIAL REPORT''; and

(B) by striking ''In the case of'' in paragraph (3) and all that follows through ''a description'' and inserting ''A description''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to reports required to be issued after the date of the enactment of this Act.

SEC. 1078H. EFFECTIVE DATE.

Except as provided in section 1078G(d), the amendments made by this title shall take effect on January 1, 2015.

SA 3662. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. REGULATORY ACCOUNTABILITY.

(a) SHORT TITLE.—This section may be cited as the ''Regulatory Accountability Act of 2014''.

(b) DEFINITIONS.—Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) 'guidance' means an agency statement of general applicability, other than a rule, that is not intended to have the force and effect of law but that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue;

''(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose a cost on the economy in any 1 year of $1,000,000,000 or more, adjusted annually for inflation;

''(17) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

''(A) a cost on the economy in any 1 year of $100,000,000 or more, adjusted annually for inflation;

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

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

''(A) a cost on the economy in any 1 year of $100,000,000 or more, adjusted annually for inflation;

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

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; and

''(19) 'Office of Information and Regulatory Affairs' means the office established under section 3503 of title 44 and any successor to that office.''.

(c) RULEMAKING.—Section 553 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''; and

(2) by striking subsections (b) through (e) and inserting the following:

''(b) RULEMAKING CONSIDERATIONS.—In a rulemaking, an agency shall consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether rulemaking is required by statute or is within the discretion of the agency.

''(2) The nature and significance of the problem the agency intends to address with a rule.

''(3) Whether existing Federal laws or rules have created or contributed to the problem

the agency may address with a rule and, if so, whether those Federal laws or rules could be amended or rescinded to address the problem in whole or in part.

''(4) A reasonable number of alternatives for a new rule, including any substantial alternatives or other responses identified by interested persons.

''(5) For any major rule or high-impact rule, the potential costs and benefits associated with potential alternative rules and other responses considered under paragraph (4), including an analysis of—

''(A) the nature and degree of risks addressed by the rule and the countervailing risks that might be posed by agency action;

''(B) direct, indirect, and cumulative costs and benefits; and

''(C) estimated impacts on jobs, competitiveness, and productivity.

''(c) INITIATION OF RULEMAKING.—

''(1) NOTICE FOR MAJOR AND HIGH-IMPACT RULES.—When an agency determines to initiate a rulemaking that may result in a major rule or high-impact rule, the agency shall—

''(A) establish an electronic docket for that rulemaking, which may have a physical counterpart; and

''(B) publish a notice of initiation of rulemaking in the Federal Register, which shall—

''(i) briefly describe the subject, the problem to be solved, and the objectives of the rule;

''(ii) reference the legal authority under which the rule would be proposed;

''(iii) invite interested persons to propose alternatives for accomplishing the objectives of the agency in the most effective manner and with the lowest cost; and

''(iv) indicate how interested persons may submit written material for the docket.

''(2) ACCESSIBILITY.—All information provided to the agency under paragraph (1) shall be promptly placed in the docket and made accessible to the public.

''(d) NOTICE OF PROPOSED RULEMAKING.—

''(1) IN GENERAL.—If an agency determines that the objectives of the agency require the agency to issue a rule, the agency shall notify the Administrator of the Office of Information and Regulatory Affairs and publish a notice of proposed rulemaking in the Federal Register, which shall include—

''(A) a statement of the time, place, and nature of any public rulemaking proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the text of the proposed rule;

''(D) a summary of information known to the agency concerning the considerations specified in subsection (b); and

''(E) for any major rule or high impact-rule—

''(i) a reasoned preliminary determination that the benefits of the proposed rule justify the costs of the proposed rule; and

''(ii) a discussion of—

''(I) the costs and benefits of alternatives considered by the agency under subsection (b), as determined by the agency at its discretion or provided under subsection (c) by a proponent of an alternative;

''(II) whether those alternatives meet relevant statutory objectives; and

''(III) the reasons why the agency did not propose any of those alternatives.

''(2) ACCESSIBILITY.—Not later than the date of publication of the notice of proposed rulemaking by an agency under paragraph (1), all data, studies, models, and other information considered by the agency, and actions by the agency to obtain information, in connection with the determination of the agency to propose the rule, shall be placed in the docket for the proposed rule and made accessible to the public.

''(3) PUBLIC COMMENT.—

''(A) After publishing a notice of proposed rulemaking, the agency shall provide interested persons an opportunity to participate in the rulemaking through the submission of written material, data, views, or arguments with or without opportunity for oral presentation, except that—

''(i) if a public hearing is convened under subsection (e), reasonable opportunity for oral presentation shall be provided at the public hearing under the requirements of subsection (e); and

''(ii) when, other than under subsection (e), a rule is 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 the petition procedures of subsection (e) shall not apply.

''(B) The agency shall provide not less than 60 days, or 90 days in the case of a proposed major rule or proposed high-impact rule, for interested persons to submit written material, data, views, or arguments.

''(4) EXPIRATION OF NOTICE.—

''(A) Except as provided in subparagraph (B), a notice of proposed rulemaking shall, 2 years after the date on which the notice is published in the Federal Register, be considered as expired and may not be used to satisfy the requirements of subsection (d).

''(B) An agency may, at the sole discretion of the agency, extend the expiration of a notice of proposed rulemaking under subparagraph (A) for a 1-year period by publishing a supplemental notice in the Federal Register explaining why the agency requires additional time to complete the rulemaking.

''(e) PUBLIC HEARING FOR HIGH-IMPACT RULES.—

''(1) PETITION FOR PUBLIC HEARING.—

''(A)(i) Before the close of the comment period for any proposed high-impact rule, any interested person may petition the agency to hold a public hearing in accordance with this subsection.

''(ii) Not later than 30 days after receipt of a petition made pursuant to clause (i), the agency shall grant the petition if the petition shows that—

''(I) the proposed rule is based on conclusions with respect to one or more specific scientific, technical, economic or other complex factual issues that are genuinely disputed; and

''(II) the resolution of those disputed factual issues would likely have an effect on the costs and benefits of the proposed rule.

''(B) If the agency denies a petition under this subsection in whole or in part, it shall include in the rulemaking record an explanation for the denial sufficient for judicial review, including—

''(i) findings by the agency that there is no genuine dispute as to the factual issues raised by the petition; or

''(ii) a reasoned determination by the agency that the factual issues raised by the petition, even if subject to genuine dispute, will not have an effect on the costs and benefits of the proposed rule.

''(2) NOTICE OF HEARING.—Not later than 45 days before any hearing held under this subsection, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at the hearing and the factual issues to be considered at the hearing.

''(3) HEARING PROCEDURE.—

''(A) A hearing held under this subsection shall be limited to the specific factual issues raised in the petition or petitions granted in whole or in part under paragraph (1) and any other factual issues the resolution of which the agency, in its discretion, determines will advance its consideration of the proposed rule.

''(B)(i) Except as otherwise provided by statute, the proponent of the rule has the burden of proof in a hearing held under this subsection. Any documentary or oral evidence may be received, but the agency as a matter of policy shall provide for the exclusion of immaterial or unduly repetitious evidence.

''(ii) To govern hearings held under this subsection, each agency shall adopt rules that provide for—

''(I) the appointment of an agency official or administrative law judge to preside at the hearing;

''(II) the presentation by interested parties of relevant documentary or oral evidence, unless the evidence is immaterial or unduly repetitious;

''(III) a reasonable and adequate opportunity for cross-examination by interested parties concerning genuinely disputed factual issues raised by the petition, provided that in the case of multiple interested parties with the same or similar interests, the agency may require the use of common counsel where the common counsel may adequately represent the interests that will be significantly affected by the proposed rule; and

''(IV) the provision of fees and costs under the circumstances described in section 6(c)(4) of the Toxic Substances Control Act (15 U.S.C. 2605(c)(4)).

''(C) The transcript of testimony and exhibits, together with all papers and requests filed in the hearing, shall constitute the exclusive record for decision of the factual issues addressed in a hearing held under this subsection.

''(4) PETITION FOR PUBLIC HEARING FOR MAJOR RULES.—In the case of any major rule, any interested person may petition for a hearing under this subsection on the grounds and within the time limitation set forth in paragraph (1). The agency may deny the petition if the agency reasonably determines that a hearing would not advance the consideration of the proposed rule by the agency or would, in light of the need for agency action, unreasonably delay completion of the rulemaking. The petition and the decision of the agency with respect to the petition shall be included in the rulemaking record.

''(5) JUDICIAL REVIEW.—

''(A) Failure to petition for a hearing under this subsection shall not preclude judicial review of any claim that could have been raised in the hearing petition or at the hearing.

''(B) There shall be no judicial review of the disposition of a petition by an agency under this subsection until judicial review of the final action of the agency.

''(f) FINAL RULES.—

''(1) COST OF MAJOR OR HIGH-IMPACT RULE.—

''(A) Except as provided in subparagraph (B), in a rulemaking for a major rule or high-impact rule, the agency shall adopt the least costly rule considered during the rulemaking that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if—

''(i) the additional benefits of the more costly rule justify its additional costs; and

''(ii) the agency explains why the agency adopted a rule that is more costly than the least costly alternative, based on interests that are within the scope of the statutory provision authorizing the rule.

''(2) PUBLICATION OF NOTICE OF FINAL RULEMAKING.—When the agency adopts a final rule, the agency shall publish a notice of final rulemaking in the Federal Register, which shall include—

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

''(B) a reasoned determination by the agency regarding the considerations specified in subsection (c);

''(C) in a rulemaking for a major rule or high-impact rule, a reasoned determination by the agency that the benefits of the rule advance the relevant statutory objectives and justify the costs of the rule;

''(D) in a rulemaking for a major rule or high-impact rule, a reasoned determination by the agency that—

''(i) no alternative considered would achieve the relevant statutory objectives at a lower cost than the rule; or

''(ii) the adoption by the agency of a more costly rule complies with paragraph (2)(B); and

''(E) a response to each significant issue raised in the comments on the proposed rule.

''(3) INFORMATION QUALITY.—If an agency rulemaking rests upon scientific, technical, or economic information, the agency shall adopt a rule only on the basis of the best available scientific, technical, or economic information.

''(4) ACCESSIBILITY.—Not later than the date of publication of the rule, all data, studies, models, and other information considered by the agency, and actions by the agency to obtain information in connection with its adoption of the rule, shall be placed in the docket for the rule and made accessible to the public.

''(5) RULES ADOPTED AT THE END OF A PRESIDENTIAL ADMINISTRATION.—

''(A) During the 60-day period beginning on a transitional inauguration day (as defined in section 3349a), with respect to any final rule that had been placed on file for public inspection by the Office of the Federal Register or published in the Federal Register as of the date of the inauguration, but which had not yet become effective by the date of the inauguration, the agency issuing the rule may, by order, delay the effective date of the rule for not more than 90 days for the purpose of obtaining public comment on whether the rule should be amended or rescinded or its effective date further delayed.

''(B) If an agency delays the effective date of a rule under subparagraph (A), the agency shall give the public not less than 30 days to submit comments.

''(g) APPLICABILITY OF THIS SECTION.—

''(1) IN GENERAL.—Except as otherwise provided by law, this section does not apply to guidance or rules of agency organization, procedure, or practice.

''(2) ADOPTION OF INTERIM RULES.—

''(A) If an agency for good cause finds, and incorporates the finding and a brief statement of reasons for the finding in the rule issued, that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) before the issuance of an interim rule is unnecessary, such subsections and requirements under subsection (f) shall not apply and the agency may issue a final rule.

''(B) If an agency for good cause finds, and incorporates the finding and a brief statement of reasons for the finding in the rule issued, that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) before the issuance of an interim rule is impracticable or contrary to the public interest, such subsections and requirements under subsection (f) shall not apply to the adoption of an interim rule by the agency.

''(C) If, following compliance with subparagraph (B), an agency adopts an interim rule, the agency shall commence proceedings that fully comply with subsections (c) through (f) immediately upon publication of the interim rule. Not 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 rulemaking in accordance with subsections (c) through (f) and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action under this subparagraph, the interim rule shall cease to have the effect of law.

''(h) DATE OF PUBLICATION OF RULE.—A rule shall be published not less than 30 days before the effective date of the rule, except—

''(1) for a rule that grants or recognizes an exemption or relieves a restriction;

''(2) for guidance; or

''(3) as otherwise provided by an agency for good cause and as published with the rule.

''(i) RIGHT TO PETITION AND REVIEW OF RULES.—

''(1) Each agency shall give interested persons the right to petition for the issuance, amendment, or repeal of a rule.

''(2) Each agency shall, on a continuing basis, invite interested persons to submit, by electronic means, suggestions for rules that warrant retrospective review and possible modification or repeal.

''(j) RULEMAKING GUIDELINES.—

''(1) ASSESSMENT OF RULES.—

''(A) The Administrator of the Office of Information and Regulatory Affairs (in this subsection referred to as the 'Administrator') shall establish guidelines for the assessment, including quantitative and qualitative assessment, of—

''(i) the costs and benefits of proposed and final rules;

''(ii) other economic issues that are relevant to rulemaking under this section or other sections of this title; and

''(iii) risk assessments that are relevant to rulemaking under this section and other sections of this title.

''(B) The rigor of cost-benefit analysis required by the guidelines established under subparagraph (A) shall be commensurate, as determined by the Administrator, with the economic impact of the rule. Guidelines for risk assessment shall include criteria for selecting studies and models, evaluating and weighing evidence, and conducting peer reviews.

''(C) The Administrator shall regularly update guidelines established under subparagraph (A) to enable agencies to use the best available techniques to quantify and evaluate present and future benefits, costs, other economic issues, and risks as objectively and accurately as practicable.

''(2) SIMPLIFICATION OF RULES.—The Administrator may issue guidelines to promote coordination, simplification, and harmonization of agency rules during the rulemaking process. The guidelines shall advise each agency to avoid regulations that are inconsistent or incompatible with, or duplicative of, other regulations of the agency and those of other Federal agencies, and to draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from the uncertainty.

''(3) CONSISTENCY IN RULEMAKING.—

''(A) To promote consistency in Federal rulemaking, the Administrator shall—

''(i) issue guidelines to ensure that rulemaking conducted in whole or in part under procedures specified in provisions of law other than those under this subchapter conform with the procedures set forth in this section to the fullest extent allowed by law; and

''(ii) issue guidelines for the conduct of hearings under subsection (e), which shall provide a reasonable opportunity for cross-examination.

''(B) Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this paragraph.

''(k) EXEMPTION FOR MONETARY POLICY.—Nothing in subsection (b)(5), (d)(1)(E), (e), (f)(1), (f)(2)(C), or (f)(2)(D) shall apply to a rulemaking that concerns monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

(d) SCOPE OF REVIEW.—Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''IN GENERAL.—To the extent necessary''; and

(2) by adding at the end the following:

''(b) JUDICIAL REVIEW.—The determination of whether a rule is a major rule within the meaning of subparagraphs (B) and (C) of section 551(17) shall not be subject to judicial review.

''(c) STATEMENT OF POLICY.—Agency guidance that does not interpret a statute or regulation shall be reviewable only under subsection (a)(2)(D).

''(d) AGENCY INTERPRETATION OF RULES.—The weight that a court shall give an interpretation by an agency of its own rule shall depend on the thoroughness evident in its consideration, the validity of its reasoning, and its consistency with earlier and later pronouncements.

''(e) STANDARD OF REVIEW.—A court shall review—

''(1) the denial of a petition by an agency under section 553(e) for whether the denial was based on substantial evidence; and

''(2) any petition for review of a high-impact rule under the substantial evidence standard, regardless of whether a hearing was held under section 553(e).''.

(e) AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.—Section 553 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''(l) AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.—

''(1) Agency guidance shall—

''(A) not be used by an agency to foreclose consideration of issues as to which the document expresses a conclusion;

''(B) state that it is not legally binding; and

''(C) at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public.

''(2) Before issuing any major guidance, an agency shall—

''(A) make and document a reasoned determination that—

''(i) such guidance is understandable and complies with relevant statutory objectives and regulatory provisions; and

''(ii) identifies the costs and benefits, including all costs to be considered during a rulemaking under subsection (b), of requiring conduct conforming to such guidance and assures that such benefits justify such costs; and

''(B) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of the major 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 benefits of the major guidance, and is otherwise appropriate.

''(3) The Administrator of the Office of Information and Regulatory Affairs shall issue updated guidelines for use by the agencies in the issuance of guidance documents. The guidelines shall advise each agency not to issue guidance documents that are inconsistent or incompatible with, or duplicative

of, other regulations of the agency and those of other Federal agencies, and to draft its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from the uncertainty.''.

(f) ADDED DEFINITION.—Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1)(H), 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.''.

(g) EFFECTIVE DATE.—The amendments made by this section to sections 553, 556, 701(b), 704, and 706 of title 5, United States Code, shall not apply to any rulemakings pending or completed on the date of enactment of this Act.

SA 3663. Mr. PORTMAN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 4. FEDERAL PERMITTING IMPROVEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Federal Permitting Improvement Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CPO.—The term ''agency CPO'' means the chief permitting officer of an agency designated by the head of the agency under subsection (c)(2)(B)(i)(I).

(3) AUTHORIZATION.—The term ''authorization'' means—

(A) any license, permit, approval, or other administrative decision required or authorized to be issued by an agency with respect to the siting, construction, reconstruction, or commencement of operations of a covered project under Federal law, whether administered by a Federal or State agency; or

(B) any determination or finding required to be issued by an agency—

(i) as a precondition to an authorization described under paragraph (A); or

(ii) before an applicant may take a particular action with respect to the siting, construction, reconstruction, or commencement of operations of a covered project under Federal law, whether administered by a Federal or State agency.

(4) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Council established by subsection (c)(1).

(5) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any construction activity in the United States that requires authorization or review by a Federal agency—

(i) involving renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by the Federal CPO; and

(ii) that is likely to require an initial investment of more than $25,000,000, as determined by the Federal CPO.

(B) EXCLUSION.—The term ''covered project'' does not include any project subject to section 101(b)(4) of title 23, United States Code.

(6) DASHBOARD.—The term ''Dashboard'' means the Permitting Dashboard required by subsection (e)(2).

(7) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' means a concise public document for which a Federal agency is responsible that serves—

(A) to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(B) to aid in the compliance of the agency with NEPA if an environmental impact statement is not necessary; and

(C) to facilitate preparation of an environmental impact statement, if an environmental impact statement is necessary.

(8) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental assessment or environmental impact statement.

(9) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of significant environmental impacts required to be prepared under NEPA.

(10) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required under NEPA.

(11) FEDERAL CPO.—The term ''Federal CPO'' means the Federal Chief Permitting Officer appointed by the President under subsection (c)(2)(A).

(12) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Federal CPO under subsection (c)(3)(A)(i).

(13) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for review and authorization of a covered project, as determined under subsection (c)(3)(A)(ii).

(14) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(15) PARTICIPATING AGENCY.—The term ''participating agency'' means any agency participating in reviews or authorizations for a particular covered project in accordance with subsection (e).

(16) PROJECT SPONSOR.—The term ''project sponsor'' means the entity, including any private, public, or public-private entity, that seeks approval for a project.

(c) FEDERAL PERMITTING IMPROVEMENT COUNCIL.—

(1) ESTABLISHMENT.—There is established the Federal Permitting Improvement Council.

(2) COMPOSITION.—

(A) CHAIR.—The President shall appoint an officer of the Office of Management and Budget as the Federal Chief Permitting Officer to serve as Chair of the Council, by and with the advice and consent of the Senate.

(B) CHIEF PERMITTING OFFICERS.—

(i) IN GENERAL.—

(I) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in clause (ii) shall designate a member of the agency in which the individual serves to serve as the agency CPO.

(II) QUALIFICATIONS.—The agency CPO described in subclause (I) shall hold a position in the agency of the equivalent of a deputy secretary or higher.

(III) MEMBERSHIP.—Each agency CPO described in subclause (I) shall serve on the Council.

(ii) HEADS OF AGENCIES.—The individuals that shall each designate an agency CPO under this clause are as follows:

(I) The Secretary of Agriculture.

(II) The Secretary of Commerce.

(III) The Secretary of the Interior.

(IV) The Secretary of Energy.

(V) The Secretary of Transportation.

(VI) The Secretary of Defense.

(VII) The Administrator of the Environmental Protection Agency.

(VIII) The Chairman of the Federal Energy Regulatory Commission.

(IX) The Chairman of the Nuclear Regulatory Commission.

(X) The Chairman of the Advisory Council on Historic Preservation.

(XI) Any other head of a Federal agency that the Federal CPO may invite to participate as a member of the Council.

(C) CHAIRMAN OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—In addition to the members listed in subparagraphs (A) and (B), the Chairman of the Council on Environmental Quality shall also be a member of the Council.

(3) DUTIES.—

(A) FEDERAL CPO.—

(i) INVENTORY DEVELOPMENT.—The Federal CPO, in consultation with the members of the Council, shall—

(I) not later than 3 months after the date of enactment of this Act, establish an inventory of covered projects that are pending the review or authorization of the head of any Federal agency;

(II)(aa) categorize the projects in the inventory as appropriate based on the project type; and

(bb) for each category, identify the types of reviews and authorizations most commonly involved; and

(III) add covered projects to the inventory after the Federal CPO receives a notice described in subsection (e)(1)(A).

(ii) LEAD AGENCY DESIGNATION.—The Federal CPO, in consultation with the Council, shall—

(I) designate a lead agency for each category of covered projects described in clause (i)(II); and

(II) publish on an Internet website the designations and categories in an easily accessible format.

(iii) PERFORMANCE SCHEDULES.—

(I) IN GENERAL.—The Federal CPO, in consultation with the Council, shall develop nonbinding performance schedules, including intermediate and final deadlines, for reviews and authorizations for each category of covered projects described in clause (i)(II).

(II) REQUIREMENTS.—

(aa) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(bb) LIMIT.—The final deadline for completion of any review or authorization contained in the performance schedules shall not be later than 180 days after the date on which the completed application or request is filed.

(III) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this clause, and not less frequently than once every 2 years thereafter, the Federal CPO, in consultation with the Council, shall review and revise the performance schedules.

(iv) GUIDANCE.—The Federal CPO may issue circulars, bulletins, guidelines, and other similar directives as necessary to carry out responsibilities under this section and to effectuate the adoption by agencies of the best practices and recommendations of the Council described in subparagraph (B).

(B) COUNCIL.—

(i) RECOMMENDATIONS.—

(I) IN GENERAL.—The Council shall make recommendations to the Federal CPO with

respect to the designations under subparagraph (A)(ii) and the performance schedules under subparagraph (A)(iii).

(II) UPDATE.—The Council may update the recommendations described in subclause (I).

(ii) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and at least annually thereafter, the Council shall issue recommendations on the best practices for—

(I) early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(II) assuring timeliness of permitting and review decisions;

(III) coordination between Federal and non-Federal governmental entities;

(IV) transparency;

(V) reduction of information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(VI) evaluating lead agencies and participating agencies under this section; and

(VII) other aspects of infrastructure permitting, as determined by the Council.

(d) PERMITTING PROCESS IMPROVEMENT.—

(1) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(A) NOTICE.—

(i) IN GENERAL.—A project sponsor shall provide the Federal CPO and the lead agency notice of the initiation of a proposed covered project.

(ii) CONTENTS.—Each notice described in clause (i) shall include—

(I) a description, including the general location, of the proposed project;

(II) a statement of any Federal authorization or review anticipated to be required for the proposed project; and

(III) an assessment of the reasons why the proposed project meets the definition of a covered project in subsection (b).

(B) INVITATION.—

(i) IN GENERAL.—Not later than 45 days after the date on which a lead agency receives the notice under subparagraph (A), the lead agency shall—

(I) identify another agency that may have an interest in the proposed project; and

(II) invite the agency to become a participating agency in the permitting management process and in the environmental review process described in subsection (f).

(ii) DEADLINES.—Each invitation made under clause (i) shall include a deadline for a response to be submitted to the lead agency.

(C) PARTICIPATING AGENCIES.—An agency invited under subparagraph (B) shall be designated as a participating agency for a covered project, unless the agency informs the lead agency in writing before the deadline described in subparagraph (B)(ii) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(D) EFFECT OF DESIGNATION.—The designation described in subparagraph (C) shall not give the participating agency jurisdiction over the proposed project.

(E) CHANGE OF LEAD AGENCY.—

(i) IN GENERAL.—On the request of a lead agency, participating agency, or project sponsor, the Federal CPO may designate a different agency as the lead agency for a covered project if the Federal CPO receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under subsection (c)(3)(A)(ii).

(ii) RESOLUTION OF DISPUTE.—Any dispute over designation of a lead agency for a particular covered project shall be resolved by the Federal CPO.

(2) PERMITTING DASHBOARD.—

(A) REQUIREMENT TO MAINTAIN.—

(i) IN GENERAL.—The Federal CPO, in coordination with the Administrator of General Services, shall maintain an online database to be known as the ''Permitting Dashboard'' to track the status of Federal reviews and authorizations for any covered project in the inventory.

(ii) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each project.

(B) ADDITIONS.—Not later than 7 days after the date on which the Federal CPO receives a notice under paragraph (1)(A), the Federal CPO shall create a specific entry on the Dashboard for the project, unless the Federal CPO or lead agency determines that the project is not a covered project.

(C) SUBMISSIONS BY AGENCIES.—The lead agency and each participating agency shall submit to the Federal CPO for posting on the Dashboard for each covered project—

(i) any application and any supporting document submitted by a project sponsor for any required Federal review or authorization for the project;

(ii) not later than 2 business days after the date on which any agency action or decision that materially affects the status of the project is made, a description, including significant supporting documents, of the agency action or decision; and

(iii) the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court.

(D) POSTINGS BY THE FEDERAL CPO.—The Federal CPO shall post on the Dashboard an entry for each covered project that includes—

(i) the information submitted under subparagraph (C)(i) not later than 2 days after the date on which the Federal CPO receives the information;

(ii) a permitting timetable approved by the Federal CPO under paragraph (3)(B)(iii);

(iii) the status of the compliance of each participating agency with the permitting timetable;

(iv) any modifications of the permitting timetable; and

(v) an explanation of each modification described in clause (iv).

(3) COORDINATION AND TIMETABLES.—

(A) COORDINATION PLAN.—

(i) IN GENERAL.—Not later than 60 days after the date on which the lead agency receives a notice under paragraph (1)(A), the lead agency, in consultation with each participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal review and authorization for the project.

(ii) MEMORANDUM OF UNDERSTANDING.—The lead agency may incorporate the coordination plan described in clause (i) into a memorandum of understanding.

(B) PERMITTING TIMETABLE.—

(i) ESTABLISHMENT.—As part of the coordination plan required by subparagraph (A), the lead agency, in consultation with each participating agency, the project sponsor, and the State in which the project is located, shall establish a permitting timetable that includes intermediate and final deadlines for action by each participating agency on any Federal review or authorization required for the project.

(ii) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under clause (i), the lead agency shall follow the performance schedules established under subsection (c)(3)(A)(iii), but may vary the timetable based on relevant factors, including—

(I) the size and complexity of the covered project;

(II) the resources available to each participating agency;

(III) the regional or national economic significance of the project;

(IV) the sensitivity of the natural or historic resources that may be affected by the project; and

(V) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(iii) APPROVAL BY THE FEDERAL CPO.—

(I) REQUIREMENT TO SUBMIT.—The lead agency shall promptly submit to the Federal CPO a permitting timetable established under clause (i) for review.

(II) REVISION AND APPROVAL.—

(aa) IN GENERAL.—The Federal CPO, after consultation with the lead agency, may revise the permitting timetable if the Federal CPO determines that the timetable deviates without reasonable justification from the performance schedule established under subsection (c)(3)(A)(iii).

(bb) NO REVISION BY FEDERAL CPO WITHIN 7 DAYS.—If the Federal CPO does not revise the permitting timetable earlier than the date that is 7 days after the date on which the lead agency submits to the Federal CPO the permitting timetable, the permitting timetable shall be approved by the Federal CPO.

(iv) MODIFICATION AFTER APPROVAL.—The lead agency may modify a permitting timetable established under clause (i) for good cause only if—

(I) the lead agency and the affected participating agency agree to a different deadline;

(II) the lead agency or the affected participating agency provides a written explanation of the justification for the modification; and

(III) the lead agency submits to the Federal CPO a modification, which the Federal CPO may revise or disapprove.

(v) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under clause (i) shall be consistent with any other relevant time periods established under Federal law.

(vi) COMPLIANCE.—

(I) IN GENERAL.—Each Federal participating agency shall comply with the deadlines set forth in the permitting timetable approved under clause (iii), or with any deadline modified under clause (iv).

(II) FAILURE TO COMPLY.—If a Federal participating agency fails to comply with a deadline for agency action on a covered project, the head of the participating agency shall—

(aa) promptly report to the Federal CPO for posting on the Dashboard an explanation of any specific reason for failing to meet the deadline and a proposal for an alternative deadline; and

(bb) report to the Federal CPO for posting on the Dashboard a monthly status report describing any agency activity related to the project until the agency has taken final action on the delayed authorization or review.

(C) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(i) IN GENERAL.—To the maximum extent practicable under applicable Federal law, the lead agency shall coordinate the Federal review and authorization process under this paragraph with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient review and permitting decisions.

(ii) MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—Any coordination plan between the lead agency and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(II) SUBMISSION TO FEDERAL CPO.—A lead agency shall submit to the Federal CPO each memorandum of understanding described in subclause (I).

(III) POST TO DASHBOARD.—The Federal CPO shall post to the Dashboard each memorandum of understanding submitted under subclause (II).

(4) EARLY CONSULTATION.—The lead agency shall provide an expeditious process for project sponsors to confer with each participating agency involved and to have each participating agency determine and communicate to the project sponsor, not later than 60 days after the date on which the project sponsor submits a request, information concerning—

(A) the likelihood of approval for a potential covered project; and

(B) key issues of concern to each participating agency and to the public.

(5) COOPERATING AGENCY.—

(A) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(B) EFFECT ON OTHER DESIGNATION.—The designation described in subparagraph (A) shall not affect any designation under paragraph (1)(C).

(C) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under paragraph (1)(C) shall not be designated as a cooperating agency under subparagraph (A).

(e) INTERSTATE COMPACTS.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under subsection (g), that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(f) COORDINATION OF REQUIRED REVIEWS.—

(1) CONCURRENT REVIEWS.—Each agency shall, to the greatest extent permitted by law—

(A) carry out the obligations of the agency under other applicable law concurrently, and in conjunction with other reviews being conducted by other participating agencies, including environmental reviews required under NEPA, unless doing so would impair the ability of the agency to carry out statutory obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(2) ADOPTION AND USE OF DOCUMENTS.—

(A) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(i) USE OF EXISTING DOCUMENTS.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate, a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project if the State laws and procedures under which the document was prepared provide, as determined by the lead agency in consultation with the Council on Environmental Quality, environmental protection and opportunities for public participation that are substantially equivalent to NEPA.

(ii) NEPA OBLIGATIONS.—An environmental document adopted under clause (i) may serve as, or supplement, an environmental impact statement or environmental assessment required to be prepared by a lead agency under NEPA.

(iii) SUPPLEMENTAL DOCUMENT.—In the case of an environmental document described in clause (i), during the period after preparation of the document and prior to the adoption of the document by the lead agency, the lead agency shall prepare and publish a supplemental document to the document if the lead agency determines that—

(I) a significant change has been made to the project that is relevant for purposes of environmental review of the project; or

(II) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

(iv) COMMENTS.—If a lead agency prepares and publishes a supplemental document under clause (iii), the lead agency may solicit comments from other agencies and the public on the supplemental document for a period of not more than 30 days beginning on the date on which the supplemental document is published.

(v) RECORD OF DECISION.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under clause (i) and any supplemental document prepared under clause (iii).

(3) ALTERNATIVES ANALYSIS.—

(A) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for the involvement of cooperating agencies in determining the range of alternatives to be considered for a project.

(B) RANGE OF ALTERNATIVES.—Following participation under subparagraph (A), the lead agency shall determine the range of alternatives for consideration in any document that the lead agency is responsible for preparing for the project.

(C) METHODOLOGIES.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(i) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(ii) the public from commenting on the preferred and other alternatives

(4) ENVIRONMENTAL REVIEW COMMENTS.—

(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(i) the lead agency, the project sponsor, and each participating agency agree to a different deadline; or

(ii) the deadline is extended by the lead agency for good cause.

(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of not later than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) the lead agency, the project sponsor, and each participating agency agree to a different deadline; or

(ii) the lead agency modifies the deadline for good cause.

(5) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) COOPERATION.—The lead agency and each participating agency shall work cooperatively in accordance with this subsection to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approval required for the project under applicable laws.

(B) LEAD AGENCY RESPONSIBILITIES.—

(i) IN GENERAL.—The lead agency shall make information available to each participating agency as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(ii) SOURCES OF INFORMATION.—The information described in clause (i) may be based on existing data sources, including geographic information systems mapping.

(C) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency under subparagraph (B), each participating agency shall identify, as early as practicable, any issues of concern, including any issues that could substantially delay or prevent an agency from granting a permit or other approval needed for the project, regarding any potential environmental, historic, or socioeconomic impacts of the project.

(6) CATEGORIES OF PROJECTS.—The authorities granted under this subsection may be exercised for an individual project or a category of projects.

(g) DELEGATED STATE PERMITTING PROGRAMS.—If a Federal statute permits a State to be delegated or otherwise authorized by a Federal agency to issue or otherwise administer a permit program in lieu of the Federal agency, each member of the Council shall—

(1) on publication by the Council of best practices under subsection (c)(3)(B)(ii), initiate a process, with public participation, to determine whether and the extent to which any of the best practices are applicable to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make recommendations for State modifications of the permit program to reflect the best practices described in subsection (c)(3)(B)(ii), as appropriate.

(h) LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.—

(1) LIMITATIONS ON CLAIMS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(i) the action is filed not later than 150 days after the date on which a notice is published in the Federal Register that the authorization is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(ii) in the case of an action pertaining to an environmental review conducted under NEPA—

(I) the action is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review; and

(II) the comment was sufficiently detailed to put the lead agency on notice of the issue on which the party seeks judicial review.

(B) NEW INFORMATION.—

(i) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(ii) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—If the preparation of a supplemental environmental impact statement is required, the preparation of the supplemental environmental impact statement shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 150 days after the date on which a notice announcing the agency action is published in the Federal Register.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(2) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, including the effects on public health, safety, and the environment, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(A) consider the potential for significant job losses or other economic harm resulting from an order or injunction; and

(B) not presume that the harms described in subparagraph (A) are reparable.

(3) JUDICIAL REVIEW.—Except as provided in paragraph (1), nothing in this section affects the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(4) SAVINGS CLAUSE.—Nothing in this section—

(A) supersedes, amends, or modifies NEPA or any other Federal environmental statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(B) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(5) LIMITATIONS.—Nothing in this subsection preempts, limits, or interferes with—

(A) any practice of seeking, considering, or responding to public comment; or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

(i) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than April 15 of each year, the Federal CPO shall submit to Congress a report detailing the progress accomplished under this section during the previous fiscal year.

(2) CONTENTS.—The report described in paragraph (1) shall assess the performance of each participating agency and lead agency based on the best practices described in subsection (c)(3)(B)(ii).

(3) OPPORTUNITY TO INCLUDE COMMENTS.—Each agency CPO shall have the opportunity to include comments concerning the performance of the agency in the report described in paragraph (1).

(j) APPLICATION.—This section applies to any covered project for which an application or request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

SA 3664. Mr. HATCH (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TRADE PROMOTION AUTHORITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bipartisan Congressional Trade Priorities Act of 2014''.

SEC. 202. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 203 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trade and investment disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, enhance the competitiveness of the United States, promote full employment in the United States, and enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as set out in section 11(7)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

(9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;

(10) to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity;

(11) to ensure implementation of trade commitments and obligations by strengthening the effective operation of legal regimes and the rule of law by trading partners of the United States through capacity building and other appropriate means;

(12) to recognize the growing significance of the Internet as a trading platform in international commerce; and

(13) to take into account other legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE IN GOODS.—The principal negotiating objectives of the United States regarding trade in goods are—

(A) to expand competitive market opportunities for exports of goods from the United States and to obtain fairer and more open conditions of trade, including through the utilization of global value chains, by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, including with respect to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—(A) The principal negotiating objective of the United States regarding trade in services is to expand competitive market opportunities for United States services and to obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating barriers to international trade in services, such as regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(B) Recognizing that expansion of trade in services generates benefits for all sectors of the economy and facilitates trade, the objective described in subparagraph (A) should be pursued through all means, including through a plurilateral agreement with those countries willing and able to undertake high standard services commitments for both existing and new services.

(3) TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by—

(A) securing more open and equitable market access through robust rules on sanitary and phytosanitary measures that—

(i) encourage the adoption of international standards and require a science-based justification be provided for a sanitary or phytosanitary measure if the measure is more restrictive than the applicable international standard;

(ii) improve regulatory coherence, promote the use of systems-based approaches, and appropriately recognize the equivalence of health and safety protection systems of exporting countries;

(iii) require that measures are transparently developed and implemented, are based on risk assessments that take into account relevant international guidelines and scientific data, and are not more restrictive on trade than necessary to meet the intended purpose; and

(iv) improve import check processes, including testing methodologies and procedures, and certification requirements,

while recognizing that countries may put in place measures to protect human, animal or plant life or health in a manner consistent with their international obligations, including the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(B) reducing or eliminating, by a date certain, tariffs or other charges that decrease

market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import sensitive products, in close consultation with Congress on such products before initiating tariff reduction negotiations;

(C) reducing tariffs to levels that are the same as or lower than those in the United States;

(D) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(E) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(F) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(G) eliminating government policies that create price depressing surpluses;

(H) eliminating state trading enterprises whenever possible;

(I) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, and ensuring that such rules are subject to efficient, timely, and effective dispute settlement, including—

(i) unfair or trade distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(ii) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of obligations in the Uruguay Round Agreements or bilateral or regional trade agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(J) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(K) ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(L) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(M) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(N) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(O) taking into account the impact that agreements covering agriculture to which the United States is a party have on the United States agricultural industry;

(P) maintaining bona fide food assistance programs, market development programs, and export credit programs;

(Q) seeking to secure the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import sensitive commodities (including those subject to tariff rate quotas);

(R) seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area;

(S) seeking to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule;

(T) ensuring transparency in the administration of tariff rate quotas through multilateral, plurilateral, and bilateral negotiations; and

(U) eliminating and preventing the undermining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms.

(4) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) providing for an appellate body or similar mechanism to provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public; and

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(5) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, including in a manner that facilitates legitimate digital trade;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, and to ensure that trade agreements foster innovation and promote access to medicines.

(6) DIGITAL TRADE IN GOODS AND SERVICES AND CROSS-BORDER DATA FLOWS.—The principal negotiating objectives of the United States with respect to digital trade in goods and services, as well as cross-border data flows, are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization and bilateral and regional trade agreements apply to digital trade in goods and services and to cross-border data flows;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible, fully encompassing both existing and new trade;

(C) to ensure that governments refrain from implementing trade related measures that impede digital trade in goods and services, restrict cross-border data flows, or require local storage or processing of data;

(D) with respect to subparagraphs (A) through (C), where legitimate policy objectives require domestic regulations that affect digital trade in goods and services or cross-border data flows, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence, including through—

(i) transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes;

(ii) the elimination of redundancies in testing and certification;

(iii) early consultations on significant regulations;

(iv) the use of impact assessments;

(v) the periodic review of existing regulatory measures; and

(vi) the application of good regulatory practices;

(D) to seek greater openness, transparency, and convergence of standards-development processes, and enhance cooperation on standards issues globally;

(E) to promote regulatory compatibility through harmonization, equivalence, or mutual recognition of different regulations and standards and to encourage the use of international and interoperable standards, as appropriate;

(F) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products;

(G) to ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, are non-discriminatory, and provide full market access for United States products; and

(H) to ensure that foreign governments—

(i) demonstrate that the collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest; and

(ii) protect such information against disclosure, except in exceptional circumstances to protect the public, or where such information is effectively protected against unfair competition.

(8) STATE-OWNED AND STATE-CONTROLLED ENTERPRISES.—The principal negotiating objective of the United States regarding competition by state-owned and state-controlled enterprises is to seek commitments that—

(A) eliminate or prevent trade distortions and unfair competition favoring state-owned and state-controlled enterprises to the extent of their engagement in commercial activity, and

(B) ensure that such engagement is based solely on commercial considerations,

in particular through disciplines that eliminate or prevent discrimination and market-distorting subsidies and that promote transparency.

(9) LOCALIZATION BARRIERS TO TRADE.—The principal negotiating objective of the United States with respect to localization barriers is to eliminate and prevent measures that require United States producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States—

(i) adopts and maintains measures implementing internationally recognized core labor standards (as defined in section 211(17)) and its obligations under common multilateral environmental agreements (as defined in section 211(6)),

(ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from—

(I) its statutes or regulations implementing internationally recognized core labor standards (as defined in section 211(17)), in a manner affecting trade or investment between the United States and that party, where the waiver or derogation would be inconsistent with one or more such standards, or

(II) its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as defined in section 211(6)) or other provisions of the trade agreement specifically agreed upon, and

(iii) does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction,

in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that—

(i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; and

(ii) with respect to labor, decisions regarding the distribution of enforcement resources are not a reason for not complying with a party's labor obligations; a party to a trade agreement retains the right to reasonable exercise of discretion and to make bona fide decisions regarding the allocation of resources between labor enforcement activities among core labor standards, provided the exercise of such discretion and such decisions are not inconsistent with its obligations;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 211(17));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;

(H) to ensure that enforceable labor and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and

(I) to ensure that a trade agreement is not construed to empower a party's authorities to undertake labor or environmental law enforcement activities in the territory of the United States.

(11) CURRENCY.—The principal negotiating objective of the United States with respect to currency practices is that parties to a trade agreement with the United States avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other parties to the agreement, such as through cooperative mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.

(12) WTO AND MULTILATERAL TRADE AGREEMENTS.—Recognizing that the World Trade Organization is the foundation of the global trading system, the principal negotiating objectives of the United States regarding the World Trade Organization, the Uruguay Round Agreements, and other multilateral and plurilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and multilateral and plurilateral agreements to products, sectors, and conditions of trade not adequately covered;

(B) to expand country participation in and enhancement of the Information Technology Agreement, the Government Procurement Agreement, and other plurilateral trade agreements of the World Trade Organization;

(C) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade, including through utilization of global value chains, through the negotiation of new WTO multilateral and plurilateral trade agreements, such as an agreement on trade facilitation;

(D) to ensure that regional trade agreements to which the United States is not a party fully achieve the high standards of, and comply with, WTO disciplines including Article XXIV of GATT 1994, Article V and V bis of the General Agreement on Trade in Services, and the Enabling Clause, including through meaningful WTO review of such regional trade agreements;

(E) to enhance compliance by WTO members with their obligations as WTO members through active participation in the bodies of the World Trade Organization by the United States and all other WTO members, including in the trade policy review mechanism and the committee system of the World Trade Organization, and by working to increase the effectiveness of such bodies; and

(F) to encourage greater cooperation between the World Trade Organization and other international organizations.

(13) TRADE INSTITUTION TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency in the World Trade Organization, entities established under bilateral and regional trade agreements, and other international trade fora through seeking—

(A) timely public access to information regarding trade issues and the activities of such institutions;

(B) openness by ensuring public access to appropriate meetings, proceedings, and submissions, including with regard to trade and investment dispute settlement; and

(C) public access to all notifications and supporting documentation submitted by WTO members.

(14) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and effective domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments;

(B) to ensure that such standards level the playing field for United States persons in international trade and investment; and

(C) to seek commitments to work jointly to encourage and support anti-corruption and anti-bribery initiatives in international trade fora, including through the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, done at Paris December 17, 1997 (commonly known as the ''OECD Anti-Bribery Convention'').

(15) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek adherence by panels convened under the Dispute Settlement Understanding and by the Appellate Body to—

(i) the mandate of those panels and the Appellate Body to apply the WTO Agreement as written, without adding to or diminishing rights and obligations under the Agreement; and

(ii) the standard of review applicable under the Uruguay Round Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(16) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

(17) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the rules of the World Trade Organization with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(18) TEXTILE NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles are to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel.

(c) CAPACITY BUILDING AND OTHER PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) direct the heads of relevant Federal agencies—

(A) to work to strengthen the capacity of United States trading partners to carry out obligations under trade agreements by consulting with any country seeking a trade agreement with the United States concerning that country's laws relating to customs and trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, intellectual property rights, labor, and the environment; and

(B) to provide technical assistance to that country if needed;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science; and

(3) promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of GATT 1994.

SEC. 203. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) NOTIFICATION.—The President shall notify Congress of the President's intention to enter into an agreement under this subsection.

(3) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(4) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of 1/10 of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(5) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (4), the

President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) ½ of 1 percent ad valorem.

(6) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (3) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 206 and that bill is enacted into law.

(7) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (3)(A), (3)(C), and (4) through (6), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act (19 U.S.C. 3524), the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act (19 U.S.C. 3501(5)), if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(8) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) 1 or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A); or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c).

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 202 and the President satisfies the conditions set forth in sections 204 and 205.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as ''trade authorities procedures'') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an ''implementing bill''.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, only such provisions as are strictly necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 206(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2018; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2018, and before July 1, 2021, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before July 1, 2018.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to Congress, not later than April 1, 2018, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the decision of the President to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY INTERNATIONAL TRADE COMMISSION.—The President shall promptly inform the United States International Trade Commission of the decision of the President to submit a report to Congress under paragraph (2). The International Trade Commission shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of the enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATUS OF REPORTS.—The reports submitted to Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the _____ disapproves the request of the President for the extension, under section 203(c)(1)(B)(i) of the Bipartisan Congressional Trade Priorities Act of 2014, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 203(b) of that Act after June 30, 2018.'', with the blank space being filled with the name of the resolving House of Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules;

(ii) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance; or

(iii) either House of Congress to consider an extension disapproval resolution after June 30, 2018.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 202(b).

SEC. 204. CONGRESSIONAL OVERSIGHT, CONSULTATIONS, AND ACCESS TO INFORMATION.

(a) CONSULTATIONS WITH MEMBERS OF CONGRESS.—

(1) CONSULTATIONS DURING NEGOTIATIONS.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) meet upon request with any Member of Congress regarding negotiating objectives, the status of negotiations in progress, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress

to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement;

(B) upon request of any Member of Congress, provide access to pertinent documents relating to the negotiations, including classified materials;

(C) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(D) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under subsection (c) and all committees of the House of Representatives and the Senate with jurisdiction over laws that could be affected by a trade agreement resulting from the negotiations; and

(E) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) CONSULTATIONS PRIOR TO ENTRY INTO FORCE.—Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.

(3) ENHANCED COORDINATION WITH CONGRESS.—

(A) WRITTEN GUIDELINES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with Congress, including coordination with designated congressional advisers under subsection (b), regarding negotiations conducted under this title; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT OF GUIDELINES.—The guidelines developed under subparagraph (A) shall enhance coordination with Congress through procedures to ensure—

(i) timely briefings upon request of any Member of Congress regarding negotiating objectives, the status of negotiations in progress conducted under this title, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement; and

(ii) the sharing of detailed and timely information to Members of Congress regarding those negotiations and pertinent documents related to those negotiations (including classified information), and to committee staff with proper security clearances as would be appropriate in the light of the responsibilities of that committee over the trade agreements programs affected by those negotiations.

(C) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under subparagraph (A) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(b) DESIGNATED CONGRESSIONAL ADVISERS.—

(1) DESIGNATION.—

(A) HOUSE OF REPRESENTATIVES.—In each Congress, any Member of the House of Representatives may be designated as a congressional adviser on trade policy and negotiations by the Speaker of the House of Representatives, after consulting with the chairman and ranking member of the Committee on Ways and Means and the chairman and ranking member of the committee from which the Member will be selected.

(B) SENATE.—In each Congress, any Member of the Senate may be designated as a congressional adviser on trade policy and negotiations by the President pro tempore of the Senate, after consultation with the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the committee from which the Member will be selected.

(2) CONSULTATIONS WITH DESIGNATED CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations designated under paragraph (1).

(3) ACCREDITATION.—Each Member of Congress designated as a congressional adviser under paragraph (1) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(c) CONGRESSIONAL ADVISORY GROUPS ON NEGOTIATIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives shall convene the House Advisory Group on Negotiations and the chairman of the Committee on Finance of the Senate shall convene the Senate Advisory Group on Negotiations (in this subsection referred to collectively as the ''congressional advisory groups'').

(2) MEMBERS AND FUNCTIONS.—

(A) MEMBERSHIP OF THE HOUSE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the House Advisory Group on Negotiations shall be comprised of the following Members of the House of Representatives:

(i) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the House of Representatives that would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(B) MEMBERSHIP OF THE SENATE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the Senate Advisory Group on Negotiations shall be comprised of the following Members of the Senate:

(i) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the Senate that would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(C) ACCREDITATION.—Each member of the congressional advisory groups described in subparagraphs (A)(i) and (B)(i) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the congressional advisory groups described in subparagraphs (A)(ii) and (B)(ii) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in the negotiations by reason of which the member is in one of the congressional advisory groups.

(D) CONSULTATION AND ADVICE.—The congressional advisory groups shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(E) CHAIR.—The House Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Senate Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Finance of the Senate.

(F) COORDINATION WITH OTHER COMMITTEES.—Members of any committee represented on one of the congressional advisory groups may submit comments to the member of the appropriate congressional advisory group from that committee regarding any matter related to a negotiation for any trade agreement to which this title applies.

(3) GUIDELINES.—

(A) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the congressional advisory groups; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT.—The guidelines developed under subparagraph (A) shall provide for, among other things—

(i) detailed briefings on a fixed timetable to be specified in the guidelines of the congressional advisory groups regarding negotiating objectives and positions and the status of the applicable negotiations, beginning as soon as practicable after the congressional advisory groups are convened, with more frequent briefings as trade negotiations enter the final stage;

(ii) access by members of the congressional advisory groups, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(iii) the closest practicable coordination between the Trade Representative and the congressional advisory groups at all critical periods during the negotiations, including at negotiation sites;

(iv) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(v) the timeframe for submitting the report required under section 205(d)(3).

(4) REQUEST FOR MEETING.—Upon the request of a majority of either of the congressional advisory groups, the President shall meet with that congressional advisory group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

(d) CONSULTATIONS WITH THE PUBLIC.—

(1) GUIDELINES FOR PUBLIC ENGAGEMENT.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on public access to information regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) PURPOSES.—The guidelines developed under paragraph (1) shall—

(A) facilitate transparency;

(B) encourage public participation; and

(C) promote collaboration in the negotiation process.

(3) CONTENT.—The guidelines developed under paragraph (1) shall include procedures that—

(A) provide for rapid disclosure of information in forms that the public can readily find and use; and

(B) provide frequent opportunities for public input through Federal Register requests for comment and other means.

(4) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(e) CONSULTATIONS WITH ADVISORY COMMITTEES.—

(1) GUIDELINES FOR ENGAGEMENT WITH ADVISORY COMMITTEES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with advisory committees established pursuant to section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall enhance coordination with advisory committees described in that paragraph through procedures to ensure—

(A) timely briefings of advisory committees and regular opportunities for advisory committees to provide input throughout the negotiation process on matters relevant to the sectors or functional areas represented by those committees; and

(B) the sharing of detailed and timely information with each member of an advisory committee regarding negotiations and pertinent documents related to the negotiation (including classified information) on matters relevant to the sectors or functional areas the member represents, and with a designee with proper security clearances of each such member as appropriate.

(3) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

SEC. 205. NOTICE, CONSULTATIONS, AND REPORTS.

(a) NOTICE, CONSULTATIONS, AND REPORTS BEFORE NEGOTIATION.—

(1) NOTICE.—The President, with respect to any agreement that is subject to the provisions of section 203(b), shall—

(A) provide, at least 90 calendar days before initiating negotiations with a country, written notice to Congress of the President's intention to enter into the negotiations with that country and set forth in the notice the date on which the President intends to initiate those negotiations, the specific United States objectives for the negotiations with that country, and whether the President intends to seek an agreement, or changes to an existing agreement;

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such other committees of the House and Senate as the President deems appropriate, and the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 204(c); and

(C) upon the request of a majority of the members of either the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations convened under section 204(c), meet with the requesting congressional advisory group before initiating the negotiations or at any other time concerning the negotiations.

(2) SPECIAL RULE FOR NOTICE AND CONSULTATION ON DOHA-RELATED AGREEMENTS.—In the case of any plurilateral agreement between the United States and one or more WTO members relating to a matter described in the Ministerial Declaration of the World Trade Organization adopted at Doha November 14, 2001—

(A) the President shall provide the written notice described in subparagraph (A) of paragraph (1) to Congress at least 90 calendar days before initiating negotiations for the agreement and comply with subparagraphs (B) and (C) of that paragraph with respect to the agreement; and

(B) if another WTO member seeks to join the negotiations after notice is provided under subparagraph (A) and the President determines that the WTO member is willing and able to meet the standard of the agreement and the participation of the WTO member would further the objectives of the United States for the agreement, the President shall—

(i) provide advance written notice to Congress before the WTO member joins the negotiations with respect to whether the United States intends to support the entry of the WTO member into the negotiations; and

(ii) consult with Congress as provided in subparagraphs (B) and (C) of paragraph (1).

(3) NEGOTIATIONS REGARDING AGRICULTURE.—

(A) ASSESSMENT AND CONSULTATIONS FOLLOWING ASSESSMENT.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 202(b)(3)(B) with any country, the President shall—

(i) assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country;

(ii) consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity; and

(iii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(B) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—(i) Before initiating negotiations with regard to agriculture and, with respect to agreements described in paragraphs (2) and (3) of section 207(a), as soon as practicable after the date of the enactment of this Act, the United States Trade Representative shall—

(I) identify those agricultural products subject to tariff rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(II) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(aa) whether any further tariff reductions on the products identified under subclause (I) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(bb) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(cc) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(III) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(IV) upon complying with subclauses (I), (II), and (III), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under subclause (I) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(ii) If, after negotiations described in clause (i) are commenced—

(I) the United States Trade Representative identifies any additional agricultural product described in clause (i)(I) for tariff reductions which were not the subject of a notification under clause (i)(IV), or

(II) any additional agricultural product described in clause (i)(I) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in clause (i)(IV) of those products and the reasons for seeking such tariff reductions.

(4) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations that directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on

Ways and Means and the Committee on Natural Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of the negotiations on an ongoing and timely basis.

(5) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall—

(A) assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity; and

(B) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(6) ADHERENCE TO EXISTING INTERNATIONAL TRADE AND INVESTMENT AGREEMENT OBLIGATIONS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its international trade and investment commitments to the United States, including pursuant to the WTO Agreement.

(b) CONSULTATION WITH CONGRESS BEFORE ENTRY INTO AGREEMENT.—

(1) CONSULTATION.—Before entering into any trade agreement under section 203(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 204(c).

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 206, including the general effect of the agreement on existing laws.

(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, not less than 180 calendar days before the day on which the President enters into a trade agreement under section 203(b), shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) the range of proposals advanced in the negotiations with respect to that agreement, that may be in the final agreement, and that could require amendments to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or to chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

(ii) how these proposals relate to the objectives described in section 202(b)(16).

(B) RESOLUTIONS.—(i) At any time after the transmission of the report under subparagraph (A), if a resolution is introduced with respect to that report in either House of Congress, the procedures set forth in clauses (iii) through (vii) shall apply to that resolution if—

(I) no other resolution with respect to that report has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to those procedures; and

(II) no procedural disapproval resolution under section 206(b) introduced with respect to a trade agreement entered into pursuant to the negotiations to which the report under subparagraph (A) relates has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.

(ii) For purposes of this subparagraph, the term ''resolution'' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: ''That the _____ finds that the proposed changes to United States trade remedy laws contained in the report of the President transmitted to Congress on _____ under section 205(b)(3) of the Bipartisan Congressional Trade Priorities Act of 2014 with respect to _____, are inconsistent with the negotiating objectives described in section 202(b)(16) of that Act.'', with the first blank space being filled with the name of the resolving House of Congress, the second blank space being filled with the appropriate date of the report, and the third blank space being filled with the name of the country or countries involved.

(iii) Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(iv) Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(v) It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(vi) It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(vii) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to floor consideration of certain resolutions in the House and Senate) shall apply to resolutions.

(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any trade agreement entered into under subsection (a) or (b) of section 203 shall be provided to the President, Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies Congress under section 203(a)(2) or 206(a)(1)(A) of the intention of the President to enter into the agreement.

(c) INTERNATIONAL TRADE COMMISSION ASSESSMENT.—

(1) SUBMISSION OF INFORMATION TO COMMISSION.—The President, not later than 90 calendar days before the day on which the President enters into a trade agreement under section 203(b), shall provide the International Trade Commission (referred to in this subsection as the ''Commission'') with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ASSESSMENT.—Not later than 105 calendar days after the President enters into a trade agreement under section 203(b), the Commission shall submit to the President and Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment under paragraph (2), the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(4) PUBLIC AVAILABILITY.—The President shall make each assessment under paragraph (2) available to the public.

(d) REPORTS SUBMITTED TO COMMITTEES WITH AGREEMENT.—

(1) ENVIRONMENTAL REVIEWS AND REPORTS.—The President shall—

(A) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 (64 Fed. Reg. 63169), dated November 16, 1999, and its relevant guidelines; and

(B) submit a report on those reviews and on the content and operation of consultative mechanisms established pursuant to section 202(c) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final text of an agreement pursuant to section 206(a)(1)(C).

(2) EMPLOYMENT IMPACT REVIEWS AND REPORTS.—The President shall—

(A) review the impact of future trade agreements on United States employment, including labor markets, modeled after Executive Order 13141 (64 Fed. Reg. 63169) to the extent appropriate in establishing procedures and criteria; and

(B) submit a report on such reviews to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final text of an agreement pursuant to section 206(a)(1)(C).

(3) REPORT ON LABOR RIGHTS.—The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on a timeframe determined in accordance with section 204(c)(3)(B)—

(A) a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating; and

(B) a description of any provisions that would require changes to the labor laws and labor practices of the United States.

(4) PUBLIC AVAILABILITY.—The President shall make all reports required under this subsection available to the public.

(e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

(1) IN GENERAL.—At the time the President submits to Congress a copy of the final text

of an agreement pursuant to section 206(a)(1)(C), the President shall also submit to Congress a plan for implementing and enforcing the agreement.

(2) ELEMENTS.—The implementation and enforcement plan required by paragraph (1) shall include the following:

(A) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(B) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of Homeland Security, the Department of the Treasury, and such other agencies as may be necessary.

(C) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by U.S. Customs and Border Protection.

(D) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(E) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in subparagraphs (A) through (D).

(3) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan required by paragraph (1) in the first budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, after the date of the submission of the plan.

(4) PUBLIC AVAILABILITY.—The President shall make the plan required under this subsection available to the public.

(f) OTHER REPORTS.—

(1) REPORT ON PENALTIES.—Not later than one year after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement, which shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(2) REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.—Not later than one year after the date of the enactment of this Act, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the economic impact on the United States of all trade agreements with respect to which Congress has enacted an implementing bill under trade authorities procedures since January 1, 1984.

(3) ENFORCEMENT CONSULTATIONS AND REPORTS.—(A) The United States Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate after acceptance of a petition for review or taking an enforcement action in regard to an obligation under a trade agreement, including a labor or environmental obligation. During such consultations, the United States Trade Representative shall describe the matter, including the basis for such action and the application of any relevant legal obligations.

(B) As part of the report required pursuant to section 163 of the Trade Act of 1974 (19 U.S.C. 2213), the President shall report annually to Congress on enforcement actions taken pursuant to a United States trade agreement, as well as on any public reports issued by Federal agencies on enforcement matters relating to a trade agreement.

(g) ADDITIONAL COORDINATION WITH MEMBERS.—Any Member of the House of Representatives may submit to the Committee on Ways and Means of the House of Representatives and any Member of the Senate may submit to the Committee on Finance of the Senate the views of that Member on any matter relevant to a proposed trade agreement, and the relevant Committee shall receive those views for consideration.

SEC. 206. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 203(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 203(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2)(A);

(D) the implementing bill is enacted into law; and

(E) the President, not later than 30 days before the date on which the agreement enters into force with respect to a party to the agreement, submits written notice to Congress that the President has determined that the party has taken measures necessary to comply with those provisions of the agreement that are to take effect on the date on which the agreement enters into force.

(2) SUPPORTING INFORMATION.—

(A) IN GENERAL.—The supporting information required under paragraph (1)(C)(iii) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement—

(I) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(II) setting forth the reasons of the President regarding—

(aa) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in subclause (I);

(bb) whether and how the agreement changes provisions of an agreement previously negotiated;

(cc) how the agreement serves the interests of United States commerce; and

(dd) how the implementing bill meets the standards set forth in section 203(b)(3).

(B) PUBLIC AVAILABILITY.—The President shall make the supporting information described in subparagraph (A) available to the public.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 203(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts an implementing bill under trade authorities procedures; and

(B) is not disclosed to Congress before an implementing bill with respect to that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 203(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term ''procedural disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities Act of 2014 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.'', with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has ''failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities Act of 2014'' on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with sections 204 and 205 and this section with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 204 have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations pursuant to a request made under section 204(c)(4) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, and if no resolution described in clause (ii) of section 205(b)(3)(B) with respect to that trade agreement has been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to the procedures set forth in clauses (iii) through (vii) of such section.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(D) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(3) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Not later than December 15, 2014, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative, shall transmit to Congress a report setting forth the strategy of the executive branch to address concerns of Congress regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have added to obligations, or diminished rights, of the United States, as described in section 202(b)(15)(C). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the World Trade Organization unless the Secretary of Commerce has issued such report by the deadline specified in this paragraph.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section, section 203(c), and section 205(b)(3) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 207. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 205(a), if an agreement to which section 203(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with the Trans-Pacific Partnership countries with respect to which notifications have been made in a manner consistent with section 205(a)(1) as of the date of the enactment of this Act,

(3) is entered into with the European Union, or

(4) is an agreement with respect to international trade in services entered into with WTO members with respect to which notifications have been made in a manner consistent with section 205(a)(2) as of the date of the enactment of this Act,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 205(a) (relating only to notice prior to initiating negotiations), and any procedural disapproval resolution under section 206(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 205(a); provided that

(2) the President as soon as feasible after the date of the enactment of this Act—

(A) notifies the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consults regarding the negotiations with the committees referred to in section 205(a)(1)(B) and the House and Senate Advisory Groups on Negotiations convened under section 204(c).

SEC. 208. SOVEREIGNTY.

(a) UNITED STATES LAW TO PREVAIL IN EVENT OF CONFLICT.—No provision of any trade agreement entered into under section 203(b), nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, any State of the United States, or any locality of the United States shall have effect.

(b) AMENDMENTS OR MODIFICATIONS OF UNITED STATES LAW.—No provision of any trade agreement entered into under section 203(b) shall prevent the United States, any State of the United States, or any locality of the United States from amending or modifying any law of the United States, that State, or that locality (as the case may be).

(c) DISPUTE SETTLEMENT REPORTS.—Reports, including findings and recommendations, issued by dispute settlement panels convened pursuant to any trade agreement entered into under section 203(b) shall have no binding effect on the law of the United States, the Government of the United States, or the law or government of any State or locality of the United States.

SEC. 209. INTERESTS OF SMALL BUSINESSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Trade Representative should facilitate participation by small businesses in the trade negotiation process; and

(2) the functions of the Office of the United States Trade Representative relating to small businesses should continue to be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small businesses.

(b) CONSIDERATION OF SMALL BUSINESS INTERESTS.—The Assistant United States Trade Representative for Small Business, Market Access, and Industrial Competitiveness shall be responsible for ensuring that the interests of small businesses are considered in all trade negotiations in accordance with the objective described in section 202(a)(8).

SEC. 210. CONFORMING AMENDMENTS; APPLICATION OF CERTAIN PROVISIONS.

(a) CONFORMING AMENDMENTS.—

(1) ADVICE FROM UNITED STATES INTERNATIONAL TRADE COMMISSION.—Section 131 of the Trade Act of 1974 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''subsection (a) or (b) of section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(ii) in paragraph (2), by striking ''section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(b) of the Bipartisan Congressional Trade Priorities Act of 2014'';

(B) in subsection (b), by striking ''section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(a)(4)(A) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(C) in subsection (c), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(a) of the Bipartisan Congressional Trade Priorities Act of 2014''.

(2) HEARINGS.—Section 132 of the Trade Act of 1974 (19 U.S.C. 2152) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(3) PUBLIC HEARINGS.—Section 133(a) of the Trade Act of 1974 (19 U.S.C. 2153(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(4) PREREQUISITES FOR OFFERS.—Section 134 of the Trade Act of 1974 (19 U.S.C. 2154) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(5) INFORMATION AND ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(II) by striking ''not later than the date on which the President notifies the Congress under section 2105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''not later than the date that is 30 days after the date on which the President

notifies Congress under section 206(a)(1)(A) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(ii) in paragraph (2), by striking ''section 2102 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 202 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(6) PROCEDURES RELATING TO IMPLEMENTING BILLS.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 206(a)(1) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(B) in subsection (c)(1), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 206(a)(1) of the Bipartisan Congressional Trade Priorities Act of 2014''.

(7) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) of the Trade Act of 1974 (19 U.S.C. 2212(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

(1) any trade agreement entered into under section 203 shall be treated as an agreement entered into under section 101 or 102 of the Trade Act of 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 203 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974 (19 U.S.C. 2112).

SEC. 211. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term ''Agreement on Agriculture'' means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) AGREEMENT ON SAFEGUARDS.—The term ''Agreement on Safeguards'' means the agreement referred to in section 101(d)(13) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(13)).

(3) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(4) ANTIDUMPING AGREEMENT.—The term ''Antidumping Agreement'' means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

(5) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(6) COMMON MULTILATERAL ENVIRONMENTAL AGREEMENT.—

(A) IN GENERAL.—The term ''common multilateral environmental agreement'' means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.

(B) AGREEMENTS SPECIFIED.—The agreements specified in this subparagraph are the following:

(i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.

(iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.

(iv) The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).

(v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).

(vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).

(vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).

(C) ADDITIONAL AGREEMENTS.—Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.

(7) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) freedom of association;

(B) the effective recognition of the right to collective bargaining;

(C) the elimination of all forms of forced or compulsory labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(8) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(9) ENABLING CLAUSE.—The term ''Enabling Clause'' means the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (L/4903), adopted November 28, 1979, under GATT 1947 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

(10) ENVIRONMENTAL LAWS.—The term ''environmental laws'', with respect to the laws of the United States, means environmental statutes and regulations enforceable by action of the Federal Government.

(11) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(12) GENERAL AGREEMENT ON TRADE IN SERVICES.—The term ''General Agreement on Trade in Services'' means the General Agreement on Trade in Services (referred to in section 101(d)(14) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(14))).

(13) GOVERNMENT PROCUREMENT AGREEMENT.—The term ''Government Procurement Agreement'' means the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(14) ILO.—The term ''ILO'' means the International Labor Organization.

(15) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term ''import sensitive agricultural product'' means an agricultural product—

(A) with respect to which, as a result of the Uruguay Round Agreements the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) which was subject to a tariff rate quota on the date of the enactment of this Act.

(16) INFORMATION TECHNOLOGY AGREEMENT.—The term ''Information Technology Agreement'' means the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996.

(17) INTERNATIONALLY RECOGNIZED CORE LABOR STANDARDS.—The term ''internationally recognized core labor standards'' means the core labor standards only as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).

(18) LABOR LAWS.—The term ''labor laws'' means the statutes and regulations, or provisions thereof, of a party to the negotiations that are directly related to core labor standards as well as other labor protections for children and minors and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and for the United States, includes Federal statutes and regulations addressing those standards, protections, or conditions but does not include State or local labor laws.

(19) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity that is organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(20) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(21) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(22) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(23) WTO MEMBER.—The term ''WTO member'' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

SA 3665. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—MISCELLANEOUS

SEC. 201. COMMERCIAL DRIVERS LICENSE SKILLS TESTING REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine—

(A) the Commercial Drivers License (referred to in this section as ''CDL'') skills testing procedures used by each State;

(B) whether States using the procedures described in paragraph (2)(A) have reduced testing wait times, on average, compared to the procedures described in subparagraphs (B) and (C) of paragraph (2);

(C) for each of the 3 CDL skills testing procedures described in paragraph (2)—

(i) the average time between a CDL applicant's request for a CDL skills test and such test in States using such procedure;

(ii) the failure rate of CDL applicants in States using such procedure; and

(iii) the average time between a CDL applicant's request to retake a CDL skills test and such test; and

(D) the total economic impact of CDL skills testing delays.

(2) SKILLS TESTING PROCEDURES.—The procedures described in this paragraph are—

(A) third party testing, using nongovernmental contractors to proctor CDL skills tests on behalf of the State;

(B) modified third party testing, administering CDL skills tests at State testing facilities, community colleges, or a limited number of third parties; and

(C) State testing, administering CDL skills tests only at State-owned facilities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of the study conducted pursuant to subsection (a).

SEC. 202. WAIVER OF NONCONFLICTING REGULATIONS FOR INFRASTRUCTURE PROJECTS.

(a) DEFINITIONS.—In this section:

(1) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term ''infrastructure project'' means any physical systems project carried out in the United States, such as a project relating to transportation, communications, sewage, or water.

(B) INCLUSION.—The term ''infrastructure project'' includes a project for energy infrastructure.

(2) NONCONFLICTING REGULATION.—The term ''nonconflicting regulation'' means a Federal regulation applicable to an infrastructure project, the waiver of which would not conflict with any provision of Federal or State law, as determined by the Secretary concerned.

(3) SECRETARY CONCERNED.—

(A) IN GENERAL.—The term ''Secretary concerned'' means the head of a Federal department or agency with jurisdiction over a nonconflicting regulation.

(B) INCLUSIONS.—The term ''Secretary concerned'' includes—

(i) the Administrator of the Environmental Protection Agency, with respect to nonconflicting regulations of the Environmental Protection Agency; and

(ii) the Secretary of the Army, acting through the Chief of Engineers, with respect to nonconflicting regulations of the Corps of Engineers.

(b) ACTION BY SECRETARY CONCERNED.—

(1) IN GENERAL.—Subject to paragraph (3), on receipt of a request of the Governor of a State in which an infrastructure project is conducted, the Secretary concerned shall waive any nonconflicting regulation applicable to the infrastructure project that, as determined by the Secretary concerned, in consultation with the Governor, impedes or could impede the progress of the infrastructure project.

(2) DEADLINE FOR WAIVER.—The Secretary concerned shall waive a nonconflicting regulation by not later than 90 days after the date of receipt of a request under paragraph (1).

(3) EXCEPTION.—The Secretary concerned shall provide a waiver under this subsection with respect to a nonconflicting regulation unless the Secretary concerned provides to the applicable Governor, by not later than the date described in paragraph (2), a written notice that the nonconflicting regulation is necessary due to a specific, direct, and quantifiable concern for safety or the environment.

SEC. 203. STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of May 31, 2013—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a Congressionally designated wilderness area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(b) STATE PROGRAMS.—

(1) IN GENERAL.—A State—

(A) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise its rights to develop all forms of energy resources on available Federal land in the State; and

(B) as a condition of certification under subsection (c)(2) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under subparagraph (A) has been established or amended.

(2) AMENDMENT OF PROGRAMS.—A State may amend a program developed and certified under this section at any time.

(3) CERTIFICATION OF AMENDED PROGRAMS.—Any program amended under paragraph (2) shall be certified under subsection (c)(2).

(c) LEASING, PERMITTING, AND REGULATORY PROGRAMS.—

(1) SATISFACTION OF FEDERAL REQUIREMENTS.—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(2) FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.—Upon submission of a declaration by a State under subsection (b)(1)(B)(i)—

(A) the program under subsection (b)(1)(A) shall be certified; and

(B) the State shall receive all rights from the Federal Government to develop all forms of energy resources covered by the program.

(3) ISSUANCE OF PERMITS AND LEASES.—If a State elects to issue a permit or lease for the development of any form of energy resource on any available Federal land within the borders of the State in accordance with a program certified under paragraph (2), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

(d) JUDICIAL REVIEW.—Activities carried out in accordance with this section shall not be subject to judicial review.

(e) ADMINISTRATIVE PROCEDURE ACT.—Activities carried out in accordance with this sectuib shall not be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 204. FRACTURING REGULATIONS ARE EFFECTIVE IN STATE HANDS.

(a) FINDINGS.—Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'' and dated May 2009 finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulate production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin, entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'', found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations''.

(b) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(c) STATE AUTHORITY.—

(1) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—The treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SEC. 205. ALTERNATIVE FUEL VEHICLE DEVELOPMENT.

(a) ALTERNATIVE FUEL VEHICLES.—

(1) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking ''(except an electric automobile)'' and inserting ''(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that does not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))''.

(2) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(A) in subparagraph (B), by inserting '', except that beginning with model year 2016, alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1) shall have a minimum driving range of 150 miles'' after ''at least 200 miles''; and

(B) in subparagraph (C), by adding at the end the following: ''Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).''.

(3) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''For any model'' and inserting the following:

''(1) MODEL YEARS 1993 THROUGH 2015.—For any model'';

(C) in paragraph (1), as redesignated, by striking ''2019'' and inserting ''2015''; and

(D) by adding at the end the following:

''(2) MODEL YEARS AFTER 2015.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer after model year 2015, the Administrator shall calculate fuel economy as a weighted harmonic average of the fuel economy on gaseous fuel as measured under subsection (c) and the fuel economy on gasoline or diesel fuel as measured under section 32904(c). The Administrator shall apply the utility factors set forth in the table under section 600.510–12(c)(2)(vii)(A) of title 40, Code of Federal Regulations.

''(3) MODEL YEARS AFTER 2016.—Beginning with model year 2017, the manufacturer may elect to utilize the utility factors set forth under subsection (e)(1) for the purposes of calculating fuel economy under paragraph (2).''.

(4) ELECTRIC DUAL FUELED AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following:

''(e) ELECTRIC DUAL FUELED AUTOMOBILES.—

''(1) IN GENERAL.—At the request of the manufacturer, the Administrator may measure the fuel economy for any model of dual fueled automobile manufactured after model year 2015 that is capable of operating on electricity in addition to gasoline or diesel fuel, obtains its electricity from a source external to the vehicle, and meets the minimum driving range requirements established by the Secretary for dual fueled electric automobiles, by dividing 1.0 by the sum of—

''(A) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

''(B) the percentage utilization of the model on electricity, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(a)(2).

''(2) ALTERNATIVE UTILIZATION.—The Administrator may adapt the utility factor established under paragraph (1) for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1).

''(3) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b).''.

(5) CONFORMING AMENDMENT.—Section 32906(b) of title 49, United States Code, is amended by striking ''section 32905(e)'' and inserting ''section 32905(f)''.

(b) HIGH OCCUPANCY VEHICLE FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) in subparagraph (b)(5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW-EMISSION VEHICLES.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles listed in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986).''; and

(2) in subparagraph (f)(1), by inserting ''solely'' before ''operating''.

(c) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, after consultation with the Secretary of Transportation, shall submit a report to Congress that—

(1) describes options to incentivize the development of public compressed natural gas fueling stations; and

(2) analyzes a variety of possible financing tools, which could include—

(A) Federal grants and credit assistance;

(B) public-private partnerships; and

(C) membership-based cooperatives.

SEC. 206. CATEGORICAL EXCLUSIONS IN EMERGENCIES.

Section 1315 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended by striking ''activity is—'' and all that follows through ''(2) commenced'' and inserting ''activity is commenced''.

SEC. 207. CATEGORICAL EXCLUSIONS FOR PROJECTS WITHIN RIGHT-OF-WAY.

Section 1316 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended—

(1) in the heading of subsection (b), by striking ''AN OPERATIONAL''; and

(2) in subsection (a)(1) and subsection (b), by striking ''operational'' each place it appears.

SEC. 208. LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended—

(1) by striking ''(c)(1) No'' and all that follows through ''(d) Each'' and inserting the following:

''(a) IN GENERAL.—Each'';

(2) in the first sentence, by striking ''prepared under this section''; and

(3) by striking the second sentence and inserting the following:

''(b) APPLICABILITY.—This section applies to—

''(1) title 23, United States Code;

''(2) chapter 53 of title 49, United States Code; and

''(3) the Housing and Urban Development Act of 1968 (12 U.S.C. 1701t et seq.).''.

SEC. 209. TERMINATION OF EFFECTIVENESS.

(a) IN GENERAL.—The amendments made by this title shall terminate on the day that is 30 days after the date of enactment of this Act if the Secretary of Labor, acting through the Bureau of Labor Statistics, in coordination with the heads of other Federal agencies, including the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, fails to publish in the Federal Register a report that models the impact of major Federal regulations on job creation across the whole economy of the United States.

(b) UPDATES.—

(1) IN GENERAL.—The Secretary of Labor, acting through the Bureau of Labor Statistics, shall update the report described in subsection (a) not less frequently than once every 30 days.

(2) TERMINATION.—The amendments made by this title shall terminate on the date that is 30 days after the date on which the most recent report described in paragraph (1) is required if the Secretary of Labor, acting through the Bureau of Labor Statistics, fails to update the report in accordance with paragraph (1).

SA 3666. Mr. HOEVEN (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. KEYSTONE XL APPROVAL.

(a) IN GENERAL.—TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska).

(b) ENVIRONMENTAL IMPACT STATEMENT.—The Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review

described in that document (including appendices) shall be considered to fully satisfy—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a))) with respect to the pipeline and facilities referred to in subsection (a).

(c) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities referred to in subsection (a) shall remain in effect.

(d) FEDERAL JUDICIAL REVIEW.—Any legal challenge to a Federal agency action regarding the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this Act, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

(e) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this Act alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the pipeline and cross-border facilities described in subsection (a).

SA 3667. Mr. HOEVEN (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES

SEC. 201.

This title may be cited as the ''Empower States Act of 2013''.

SEC. 202. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

SEC. 203. REGULATIONS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 3668. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION __—NORTH ATLANTIC ENERGY SECURITY

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''North Atlantic Energy Security Act''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—NATURAL GAS GATHERING ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Natural Gas Gathering Enhancement Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) record volumes of natural gas production in the United States as of the date of enactment of this Act are providing enormous benefits to the United States, including by—

(A) reducing the need for imports of natural gas, thereby directly reducing the trade deficit;

(B) strengthening trade ties among the United States, Canada, and Mexico;

(C) providing the opportunity for the United States to join the emerging global gas trade through the export of liquefied natural gas;

(D) creating and supporting millions of new jobs across the United States;

(E) adding billions of dollars to the gross domestic product of the United States every year;

(F) generating additional Federal, State, and local government tax revenues; and

(G) revitalizing the manufacturing sector by providing abundant and affordable feedstock;

(2) large quantities of natural gas are lost due to venting and flaring, primarily in areas where natural gas infrastructure has

not been developed quickly enough, such as States with large quantities of Federal land and Indian land;

(3) permitting processes can hinder the development of natural gas infrastructure, such as pipeline lines and gathering lines on Federal land and Indian land; and

(4) additional authority for the Secretary of the Interior to approve natural gas pipelines and gathering lines on Federal land and Indian land would—

(A) assist in bringing gas to market that would otherwise be vented or flared; and

(B) significantly increase royalties collected by the Secretary of the Interior and disbursed to Federal, State, and tribal governments and individual Indians.

SEC. 103. AUTHORITY TO APPROVE NATURAL GAS PIPELINES.

Section 1 of the Act of February 15, 1901 (31 Stat. 790, chapter 372; 16 U.S.C. 79), is amended by inserting '', for natural gas pipelines'' after ''distribution of electrical power''.

SEC. 104. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.

(a) IN GENERAL.—Subtitle B of title III of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is amended by adding at the end the following:

''SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.

''(a) DEFINITIONS.—In this section:

''(1) GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—

''(A) IN GENERAL.—The term 'gas gathering line and associated field compression unit' means—

''(i) a pipeline that is installed to transport natural gas production associated with 1 or more wells drilled and completed to produce crude oil; and

''(ii) if necessary, a compressor to raise the pressure of that transported natural gas to higher pressures suitable to enable the gas to flow into pipelines and other facilities.

''(B) EXCLUSIONS.—The term 'gas gathering line and associated field compression unit' does not include a pipeline or compression unit that is installed to transport natural gas from a processing plant to a common carrier pipeline or facility.

''(2) FEDERAL LAND.—

''(A) IN GENERAL.—The term 'Federal land' means land the title to which is held by the United States.

''(B) EXCLUSIONS.—The term 'Federal land' does not include—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System; or

''(iii) a component of the National Wilderness Preservation System.

''(3) INDIAN LAND.—The term 'Indian land' means land the title to which is held by—

''(A) the United States in trust for an Indian tribe or an individual Indian; or

''(B) an Indian tribe or an individual Indian subject to a restriction by the United States against alienation.

''(b) CERTAIN NATURAL GAS GATHERING LINES.—

''(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gas gathering line and associated field compression unit that is located on Federal land or Indian land and that services any oil well shall be considered to be an action that is categorically excluded (as defined in section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gas gathering line and associated field compression unit are—

''(A) within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of natural gas produced from 1 or more oil wells in that field or unit as a reasonably foreseeable activity; and

''(B) located adjacent to an existing disturbed area for the construction of a road or pad.

''(2) APPLICABILITY.—

''(A) FEDERAL LAND.—Paragraph (1) shall not apply to Federal land, or a portion of Federal land, for which the Governor of the State in which the Federal land is located submits to the Secretary of the Interior or the Secretary of Agriculture, as applicable, a written request that paragraph (1) not apply to that Federal land (or portion of Federal land).

''(B) INDIAN LAND.—Paragraph (1) shall apply to Indian land, or a portion of Indian land, for which the Indian tribe with jurisdiction over the Indian land submits to the Secretary of the Interior a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

''(c) EFFECT ON OTHER LAW.—Nothing in this section affects or alters any requirement—

''(1) relating to prior consent under—

''(A) section 2 of the Act of February 5, 1948 (25 U.S.C. 324); or

''(B) section 16(e) of the Act of June 18, 1934 (25 U.S.C. 476(e)) (commonly known as the 'Indian Reorganization Act'); or

''(2) under any other Federal law (including regulations) relating to tribal consent for rights-of-way across Indian land.''.

(b) ASSESSMENTS.—Title XVIII of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1122) is amended by adding at the end the following:

''SEC. 1841. NATURAL GAS GATHERING SYSTEM ASSESSMENTS.

''(a) DEFINITION OF GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—In this section, the term 'gas gathering line and associated field compression unit' has the meaning given the term in section 319.

''(b) STUDY.—Not later than 1 year after the date of enactment of the North Atlantic Energy Security Act of 2014, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall conduct a study to identify—

''(1) any actions that may be taken, under Federal law (including regulations), to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any proposed changes to Federal law (including regulations) to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets.

''(c) REPORT.—Not later than 180 days after the date of enactment of the North Atlantic Energy Security Act of 2014, and every 180 days thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to Congress a report that describes—

''(1) the progress made in expediting permits for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any issues impeding that progress.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of subtitle B of title III the following:

''Sec. 319. Certain natural gas gathering lines located on Federal land and Indian land.''.

(2) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of title XXVIII the following:

''Sec. 1841. Natural gas gathering system assessments.''.

SEC. 105. DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE MINERAL LEASING ACT.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by adding at the end the following:

''(z) NATURAL GAS GATHERING LINES.—The Secretary of the Interior or other appropriate agency head shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on Federal lands—

''(1) for a gas gathering line and associated field compression unit described in section 319(b) of the Energy Policy Act of 2005, not later than 30 days after the date on which the applicable agency head receives the request for issuance; and

''(2) for all other gas gathering lines and associated field compression units, not later than 60 days after the date on which the applicable agency head receives the request for issuance.''.

SEC. 106. DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following:

''(k) NATURAL GAS GATHERING LINES.—The Secretary concerned shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on public lands—

''(1) for a gas gathering line and associated field compression unit described in section 319(b) of the Energy Policy Act of 2005, not later than 30 days after the date on which the applicable agency head receives the request for issuance; and

''(2) for all other gas gathering lines and associated field compression units, not later than 60 days after the date on which the applicable agency head receives the request for issuance.''.

SEC. 107. LNG REGULATORY CERTAINTY.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) DEADLINE FOR CERTAIN APPLICATIONS FOR EXPORTATION OF NATURAL GAS.—

''(1) IN GENERAL.—The Commission shall make a public interest determination and issue an order under subsection (a) for an application for the exportation of natural gas to a foreign country through a particular LNG terminal not later than 45 days after receipt of an application under subsection (e) for—

''(A) the conversion of that LNG terminal into an LNG import or export facility; or

''(B) the construction of that LNG terminal.

''(2) APPLICATION.—This subsection shall not apply with respect to an application

under subsection (a) for the exportation of natural gas—

''(A) to a foreign country—

''(i) to which the exportation of natural gas is otherwise prohibited by law; or

''(ii) described in subsection (c); or

''(B) if the Commission has made a contingent determination with respect to the application.

''(3) EFFECT.—Except as specifically provided in this subsection, nothing in this subsection affects the authority of the Commission to review, process, and make a determination with respect to an application for the exportation of natural gas.''.

SEC. 108. EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO UKRAINE AND NORTH ATLANTIC TREATY ORGANIZATION MEMBER COUNTRIES AND JAPAN.

(a) IN GENERAL.—In accordance with clause 3 of section 8 of article I of the Constitution of the United States (delegating to Congress the power to regulate commerce with foreign nations), Congress finds that exports of natural gas produced in the United States to Ukraine, member countries of the North Atlantic Treaty Organization, and Japan is—

(1) necessary for the protection of the essential security interests of the United States; and

(2) in the public interest pursuant to section 3 of the Natural Gas Act (15 U.S.C. 717b).

(b) EXPEDITED APPROVAL.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended by inserting '', to Ukraine, to a member country of the North Atlantic Treaty Organization, or to Japan'' after ''trade in natural gas''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of the enactment of this Act.

TITLE II—ONSHORE OIL AND GAS PERMIT STREAMLINING

Subtitle A—Streamlining Permitting

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Streamlining Permitting of American Energy Act of 2014''.

SEC. 202. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) TIMELINE.—

''(i) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives an application for a permit to drill, the Secretary shall decide whether to issue or deny the permit.

''(ii) EXTENSION.—On giving written notice of a delay to the applicant, the Secretary may extend the period described in clause (i) for not more than 2 additional periods of 15 days each.

''(iii) FORM OF NOTICE.—The notice referred to in clause (ii) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

''(B) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application shall be considered to be approved, except in a case in which an existing review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is incomplete.

''(C) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date on which the application is submitted to the Secretary.

''(D) FEE.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A).

''(ii) LIMITATION.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Of all amounts collected as fees under this paragraph, 50 percent shall be—

''(I) transferred to the field office where the fee is collected; and

''(II) used to process leases and permits under this Act, subject to appropriation.''.

SEC. 203. MAKING PILOT OFFICES PERMANENT TO IMPROVE ENERGY PERMITTING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' includes oil, natural gas, and other energy projects, as defined by the Secretary.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State in which energy projects on Federal land are located be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Salaries for the additional personnel shall be funded from the collection of fees described in section 17(p)(2)(D) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)(D)) (as amended by section 202).

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

SEC. 204. ADMINISTRATION.

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

SEC. 205. JUDICIAL REVIEW.

(a) DEFINITIONS.—In this section:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source of energy, and any action carried out pursuant to that lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

(b) EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.—Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

(c) TIMELY FILING.—To ensure timely redress by the courts, a covered civil action shall be filed not later than the last day of the 90-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

(d) EXPEDITION IN HEARING AND DETERMINING THE ACTION.—The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

(e) STANDARD OF REVIEW.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

(f) LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.—

(1) IN GENERAL.—In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that the 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.

(2) DURATION OF PRELIMINARY INJUNCTIONS.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to a period of not more than 60 days, unless the court finds clear reasons to extend the injunction.

(3) DURATION OF EXTENSION.—An extension under paragraph (2) shall—

(A) only be for a period of not more than 30 days; and

(B) require action by the court to renew the injunction.

(g) LIMITATION ON ATTORNEYS' FEES.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act'') shall not apply to a covered civil action, nor shall any party in the covered civil action receive payment from the Federal Government for attorneys' fees, expenses, or other court costs.

(h) LEGAL STANDING.—A person filing an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a person before a United States district court.

Subtitle B—BLM Live Internet Auctions

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''BLM Live Internet Auctions Act''.

SEC. 212. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting '', except as provided in subparagraph (C)'' after ''by oral bidding''; and

(2) by adding at the end the following:

''(C) INTERNET-BASED BIDDING.—

''(i) IN GENERAL.—In order to diversify and expand the onshore leasing program in the United States to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods.

''(ii) CONCLUSION OF SALE.—Each individual Internet-based lease sale shall conclude not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to the Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

SA 3669. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATORY CERTAINTY.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) DEADLINE FOR CERTAIN APPLICATIONS FOR EXPORTATION OF NATURAL GAS.—

''(1) LNG TERMINALS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall make a public interest determination and issue an order under subsection (a) for an application for the exportation of natural gas to a foreign country through a particular LNG terminal not later than 45 days after receipt of an application under subsection (e) for—

''(i) the conversion of that LNG terminal into an LNG import or export facility; or

''(ii) the construction of that LNG terminal.

''(B) LIMITATION.—Subparagraph (A) shall only apply to applications for the exportation of natural gas to a foreign country under subsection (a) that have been pending for a period of not less than 180 calendar days.

''(2) APPLICATION.—This subsection shall not apply with respect to an application under subsection (a) for the exportation of natural gas—

''(A) to a foreign country—

''(i) to which the exportation of natural gas is otherwise prohibited by law; or

''(ii) described in subsection (c); or

''(B) if the Commission has made a contingent determination with respect to the application.

''(3) EFFECT.—Except as specifically provided in this subsection, nothing in this subsection affects the authority of the Commission to review, process, and make a determination with respect to an application for the exportation of natural gas.

''(h) JUDICIAL ACTION.—

''(1) IN GENERAL.—The United States Court of Appeals for the circuit in which an export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

''(A) an order issued by the Secretary of Energy with respect to the application; or

''(B) the failure of the Secretary to issue a decision on the application.

''(2) ORDER.—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a decision on the application as required under subsection (a), the Court shall order the Secretary to issue the decision not later than 30 days after the date of the order of the Court.

''(3) EXPEDITED CONSIDERATION.—The Court shall—

''(A) set any civil action brought under this subsection for expedited consideration; and

''(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.''.

SA 3670. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION __—DOMESTIC ENERGY AND JOBS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Domestic Energy and Jobs Act''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2013''.

SEC. 102. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee, to be known as the Transportation Fuels Regulatory Committee (referred to in this title as the ''Committee''), to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 103 and 104.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

(e) TERMINATION.—The Committee shall terminate on the date that is 60 days after the date of submission of the final report of the Committee pursuant to section 104(c).

SEC. 103. ANALYSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any action, to the extent that the action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(2) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) SCOPE.—The Committee shall conduct analyses, for each of calendar years 2016 and 2020, of the prospective cumulative impact of all covered rules and covered actions.

(c) CONTENTS.—The Committee shall include in each analysis conducted under this section—

(1) estimates of the cumulative impacts of the covered rules and covered actions relating to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures; and

(F) any other matters affecting the growth, stability, and sustainability of the oil and gas industries of the United States, particularly relative to that of other nations;

(2) an analysis of key uncertainties and assumptions associated with each estimate under paragraph (1);

(3) a sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas; and

(4) an analysis and, if feasible, an assessment of—

(A) the cumulative impact of the covered rules and covered actions on—

(i) consumers;

(ii) small businesses;

(iii) regional economies;

(iv) State, local, and tribal governments;

(v) low-income communities;

(vi) public health; and

(vii) local and industry-specific labor markets; and

(B) key uncertainties associated with each topic described in subparagraph (A).

(d) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(e) DATA.—In conducting analyses under this section, the Committee shall not be required to create data or to use data that is not readily accessible.

SEC. 104. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 103.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 103, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 105. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the date on which the Committee submits the final report under section 104(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411,

7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in subsection (a).

SEC. 106. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

SEC. 107. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'';

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,''; and

(B) in paragraph (2)(G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Planning for American Energy Act of 2013''.

SEC. 202. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

''(a) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) STRATEGIC AND CRITICAL ENERGY MINERALS.—The term 'strategic and critical energy minerals' means—

''(A) minerals that are necessary for the energy infrastructure of the United States, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; and

''(B) minerals that are necessary to support domestic manufacturing, including materials used in energy generation, production, and transportation.

''(3) STRATEGY.—The term 'Strategy' means the Quadrennial Federal Onshore Energy Production Strategy required under this section.

''(b) STRATEGY.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture with regard to land administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy.

''(2) ENERGY SECURITY.—The Strategy shall direct Federal land energy development and department resource allocation to promote the energy security of the United States.

''(c) PURPOSES.—

''(1) IN GENERAL.—In developing a Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on—

''(A) the projected energy demands of the United States for the 30-year period beginning on the date of initiation of the Strategy; and

''(B) how energy derived from Federal onshore land can place the United States on a trajectory to meet that demand during the 4-year period beginning on the date of initiation of the Strategy.

''(2) ENERGY SECURITY.—The Secretary shall consider how Federal land will contribute to ensuring national energy security, with a goal of increasing energy independence and production, during the 4-year period beginning on the date of initiation of the Strategy.

''(d) OBJECTIVES.—The Secretary shall establish a domestic strategic production objective for the development of energy resources from Federal onshore land that is based on commercial and scientific data relating to the expected increase in—

''(1) domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on land held by the Bureau of Land Management and the Forest Service;

''(2) domestic coal production from Federal land;

''(3) domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

''(4) megawatts for electricity production from each of wind, solar, biomass, hydropower, and geothermal energy produced on Federal land administered by the Bureau of Land Management and the Forest Service;

''(5) unconventional energy production, such as oil shale;

''(6) domestic production of oil, natural gas, coal, and other renewable sources from tribal land for any federally recognized Indian tribe that elects to participate in facilitating energy production on the land of the Indian tribe; and

''(7) domestic production of geothermal, solar, wind, or other renewable energy sources on land defined as available lands under section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 109, chapter 42), and any other land considered by the Territory or State of Hawaii, as the case may be, to be available lands.

''(e) METHODOLOGY.—The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at the estimates made by the Secretary to carry out this section.

''(f) EXPANSION OF PLAN.—The Secretary may expand a Strategy to include other energy production technology sources or advancements in energy production on Federal land.

''(g) TRIBAL OBJECTIVES.—

''(1) IN GENERAL.—It is the sense of Congress that federally recognized Indian tribes may elect to set the production objectives of the Indian tribes as part of a Strategy under this section.

''(2) COOPERATION.—The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving the strategic energy objectives of the Indian tribe under this subsection.

''(h) EXECUTION OF STRATEGY.—

''(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(2) ADDITIONAL LAND.—The Secretary concerned may make determinations regarding which additional land under the jurisdiction of the Secretary concerned will be made available in order to meet the energy production objectives established by a Strategy.

''(3) ACTIONS.—The Secretary concerned shall take all necessary actions to achieve the energy production objectives established under this section unless the President determines that it is not in the national security and economic interests of the United States—

''(A) to increase Federal domestic energy production; and

''(B) to decrease dependence on foreign sources of energy.

''(4) LEASING.—In carrying out this subsection, the Secretary concerned shall only consider leasing Federal land available for leasing at the time the lease sale occurs.

''(i) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing a Strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

''(j) ANNUAL REPORTS.—

''(1) IN GENERAL.—The Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report describing the progress made in meeting the production goals of a Strategy.

''(2) CONTENTS.—In a report required under this subsection, the Secretary shall—

''(A) make projections for production and capacity installations;

''(B) describe any problems with leasing, permitting, siting, or production that will prevent meeting the production goals of a Strategy; and

''(C) make recommendations to help meet any shortfalls in meeting the production goals.

''(k) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for carrying out this section.

''(2) COMPLIANCE.—The programmatic environmental impact statement shall be considered sufficient to comply with all requirements under the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all necessary resource management and land use plans associated with the implementation of a Strategy.

''(l) CONGRESSIONAL REVIEW.—

''(1) IN GENERAL.—Not later than 60 days before publishing a proposed Strategy under this section, the Secretary shall submit to Congress and the President the proposed Strategy, together with any comments received from States, federally recognized Indian tribes, and local governments.

''(2) RECOMMENDATIONS.—The submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

''(m) ADMINISTRATION.—Nothing in this section modifies or affects any multiuse plan.

''(n) FIRST STRATEGY.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress the first Strategy.''.

TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2013''.

SEC. 302. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) by striking ''SEC. 17. (a) All lands'' and inserting the following:

''SEC. 17. LEASE OF OIL AND GAS LAND.

''(a) AUTHORITY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under this section, each year, the Secretary shall offer for sale not less than 25 percent of the annual nominated acreage not previously made available for lease.

''(B) REVIEW.—The offering of acreage offered for lease under this paragraph shall not be subject to review.

''(C) CATEGORICAL EXCLUSIONS.—Acreage offered for lease under this paragraph shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that extraordinary circumstances shall not be required for a categorical exclusion under this paragraph.

''(D) LEASING.—In carrying out this subsection, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

SEC. 303. LEASING CERTAINTY AND CONSISTENCY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 302) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary shall not withdraw approval of any covered energy project involving a lease under this Act without finding a violation of the terms of the lease by the lessee.

''(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under a lease.

''(C) AVAILABILITY OF NOMINATED AREAS.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease under paragraph (2).

''(D) ISSUANCE OF LEASES.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold under this Act not later than 60 days after the last payment is made.

''(E) CANCELLATION OR WITHDRAWAL OF LEASE PARCELS.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(F) APPEALS.—

''(i) IN GENERAL.—The Secretary shall complete the review of any appeal of a lease sale under this Act not later than 60 days after the receipt of the appeal.

''(ii) CONSTRUCTIVE APPROVAL.—If the review of an appeal is not conducted in accordance with clause (i), the appeal shall be considered approved.

''(G) ADDITIONAL STIPULATIONS.—The Secretary may not add any additional lease stipulation for a parcel after the parcel is sold unless the Secretary—

''(i) consults with the lessee and obtains the approval of the lessee; or

''(ii) determines that the stipulation is an emergency action that is necessary to conserve the resources of the United States.

''(4) LEASING CONSISTENCY.—A Federal land manager shall comply with applicable resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until a new record of decision is signed.''.

SEC. 304. REDUCTION OF REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

TITLE IV—STREAMLINED ENERGY PERMITTING

SEC. 401. SHORT TITLE.

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2013''.

Subtitle A—Application for Permits To Drill Process Reform

SEC. 411. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall decide whether to issue a permit to drill not later than 30 days after the date on which the application for the permit is received by the Secretary.

''(B) EXTENSIONS.—

''(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary gives written notice of the delay to the applicant.

''(ii) NOTICE.—The notice shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the names and positions of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date on which a final decision on the application is expected.

''(C) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) a written notice that provides—

''(I) clear and comprehensive reasons why the application was not accepted; and

''(II) detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application for the permit is received by the Secretary, the application shall be considered approved unless applicable reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(E) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(F) FEE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under this paragraph.

''(ii) RESUBMITTED APPLICATIONS.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall be transferred to the field office where the fees are collected and used to process leases, permits, and appeals under this Act.''.

SEC. 412. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

(1) by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development; and

(2) at the option of the Secretary of the Interior, by the United States Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management land.

Subtitle B—Administrative Appeal Documentation Reform

SEC. 421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) APPEAL FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each appeal of an action on a lease, right-of-way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall remain in the field office where the fees are collected and used to process appeals.''.

Subtitle C—Permit Streamlining

SEC. 431. FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' means oil, coal, natural gas, and renewable energy projects.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in each Bureau of Land Management field office with responsibility for issuing permits for energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding to carry out this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any State with energy projects on Federal land to be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home office of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified under subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple-use requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall be derived from the Department of the Interior reforms made by sections 411, 412, and 421 and the amendments made by those sections.

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

SEC. 432. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

Subtitle D—Judicial Review

SEC. 441. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

SEC. 442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court for the district in which the project or leases exist or are proposed.

SEC. 443. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than 90 days after the date of the final Federal agency action to which the covered civil action relates.

SEC. 444. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 445. STANDARD OF REVIEW.

In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

(2) the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 446. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) PRELIMINARY INJUNCTIONS.—

(1) IN GENERAL.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) EXTENSIONS.—Extensions under paragraph (1) shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

SEC. 447. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) ATTORNEY'S FEES AND COURT COSTS.—A party in a covered civil action shall not receive payment from the Federal Government for attorney's fees, expenses, or other court costs.

SEC. 448. LEGAL STANDING.

A challenger filing an appeal with the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 501. SHORT TITLE.

This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.

SEC. 502. SENSE OF CONGRESS REAFFIRMING NATIONAL POLICY REGARDING NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in the State of Alaska (referred to in this title as the ''Reserve'') remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 503. COMPETITIVE LEASING OF OIL AND GAS.

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following:

''(a) COMPETITIVE LEASING.—

''(1) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

''(2) INCLUSIONS.—The program under this subsection shall include at least 1 lease sale annually in each area of the Reserve that is most likely to produce commercial quantities of oil and natural gas for each of calendar years 2013 through 2023.''.

SEC. 504. PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

(1) to develop and bring into production any areas within the Reserve that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the Reserve to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINES.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timelines:

(1) EXISTING LEASES.—Each permit for construction relating to the transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary of the Interior has issued a permit to drill shall be approved by not later than 60 days after the date of enactment of this Act.

(2) REQUESTED PERMITS.—Each permit for construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved by not later than 180 days after the date of submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, not later than 270

days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure to ensure that all leasable tracts in the Reserve are located within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the Reserve.

(b) DEADLINES.—At a minimum, the regulations promulgated pursuant to this section shall—

(1) require the Secretary of the Interior to respond, acknowledging receipt of any permit application for development, by not later than 5 business days after the date of receipt of the application; and

(2) establish a timeline for the processing of each such application that—

(A) specifies deadlines for decisions and actions regarding permit applications; and

(B) provides that the period for issuing each permit after the date of submission of the application shall not exceed 60 days, absent the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Secretary of the Interior fails to comply with any deadline described in subsection (b) with respect to a permit application, the Secretary shall notify the applicant not less frequently than once every 5 days with specific information regarding—

(1) the reasons for the permit delay;

(2) the name of each specific office of the Department of the Interior responsible for—

(A) issuing the permit; or

(B) monitoring the permit delay; and

(3) an estimate of the date on which the permit will be issued.

(d) ADDITIONAL INFRASTRUCTURE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, after consultation with the State of Alaska and after providing notice and an opportunity for public comment, shall approve right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

SEC. 506. UPDATED RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the Reserve, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment under subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment under subsection (a) shall be completed by not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

SEC. 507. COLVILLE RIVER DELTA DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an aquatic resource of national importance shall have no force or effect on this title or an amendment made by this title.

TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 601. SHORT TITLE.

This title may be cited as the ''BLM Live Internet Auctions Act''.

SEC. 602. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by striking ''Lease sales'' and inserting ''Except as provided in subparagraph (C), lease sales''; and

(2) by adding at the end the following:

''(C) In order to diversify and expand the United States onshore leasing program to ensure the best return to Federal taxpayers, to reduce fraud, and to secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods, each of which shall be completed by not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, as compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

SEC. 701. SHORT TITLE.

This title may be cited at the ''Advancing Offshore Wind Production Act''.

SEC. 702. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.

(a) DEFINITION OF OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term ''offshore meteorological site testing and monitoring project'' means a project carried out on or in the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) and administered by the Department of the Interior to test or monitor weather (including energy provided by weather, such as wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

(1) IN GENERAL.—The Secretary of the Interior shall require, by regulation, that any applicant seeking to conduct an offshore meteorological site testing and monitoring project shall obtain a permit and right-of-way for the project in accordance with this subsection.

(2) PERMIT AND RIGHT-OF-WAY TIMELINE AND CONDITIONS.—

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right-of-way for an offshore meteorological site testing and monitoring project by not later than 30 days after the date of receipt of a relevant application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the 30-day period referred to in subparagraph (A) with respect to an application for a permit and right-of-way under this subsection, the Secretary shall—

(i) provide an opportunity for submission of comments regarding the application by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by the issuance of the permit and right-of-way.

(C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If an application is denied under this subsection, the Secretary shall provide to the applicant—

(i) in writing—

(I) a list of clear and comprehensive reasons why the application was denied; and

(II) detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy those deficiencies.

(c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.

(d) PROTECTION OF INFORMATION.—Any information provided to the Secretary of the Interior under subsection (a)(3) shall be—

(1) treated by the Secretary as proprietary information; and

(2) protected against disclosure.

TITLE VIII—CRITICAL MINERALS

SEC. 801. DEFINITIONS.

In this title:

(1) APPLICABLE COMMITTEES.—The term ''applicable committees'' means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral designated as a critical mineral pursuant to section 802.

(B) EXCLUSIONS.—The term ''critical mineral'' does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term ''critical mineral manufacturing'' means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) MILITARY EQUIPMENT.—The term ''military equipment'' means equipment used directly by the Armed Forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term ''rare earth element'' means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term ''rare earth element'' includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey; and

(B) in consultation with (as appropriate)—

(i) the Secretary of Energy;

(ii) the Secretary of Defense;

(iii) the Secretary of Commerce;

(iv) the Secretary of State;

(v) the Secretary of Agriculture;

(vi) the United States Trade Representative; and

(vii) the heads of other applicable Federal agencies.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term ''value-added'' means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good so that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term ''Working Group'' means the Critical Minerals Working Group established under section 805(a).

SEC. 802. DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

SEC. 803. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation so that informed actions may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

SEC. 804. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) tribal land, at the request and with the written permission of the Indian tribe with jurisdiction over the land; and

(3) State land, at the request and with the written permission of the Governor of the State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or tribal land, as applicable.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 802 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

SEC. 805. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the ''Critical Minerals Working Group'', which shall report to the President and the applicable committees through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

(1) critical minerals exploration;

(2) critical minerals permitting;

(3) critical minerals production; and

(4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 803(a).

(d) REPORT.—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including the range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) DRAFT PERFORMANCE METRIC.—Not later than 330 days after the date of enactment of this Act, and on completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals.

(f) FINAL PERFORMANCE METRIC.—Not later than 1 year after the date of enactment of this Act, and after consideration of any public comments received under subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, using the final performance metric under subsection (f), the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) CONSTRUCTION.—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee) or any other person.

SEC. 806. RECYCLING AND ALTERNATIVES.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) COOPERATION.—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) ACTIVITIES.—Under the program, the Secretary of Energy shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

SEC. 807. ANALYSIS AND FORECASTING.

(a) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing

competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 808. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 803(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 809. INTERNATIONAL COOPERATION.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) ACTIVITIES.—Under the program, the Secretary of State may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary of State that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 807.

SEC. 810. REPEAL, AUTHORIZATION, AND OFFSET.

(a) REPEAL.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title and the amendments made by this title $30,000,000.

(c) AUTHORIZATION OFFSET.—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: '', except that the amount authorized to be appropriated to carry out this section

not appropriated as of the date of enactment of the Domestic Energy and Jobs Act shall be reduced by $30,000,000''.

TITLE IX—MISCELLANEOUS

SEC. 901. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed on the day before the date of enactment of this Act under the solid minerals leasing program of the Department of the Interior, including—

(1) any function under—

(A) sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.);

(B) the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.);

(C) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(2) any function relating to management of mineral development on Federal land and acquired land under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the mining law administration program of the Bureau of Land Management.

SEC. 902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking ''2055'' and inserting ''2025, and shall not exceed $750,000,000 for each of fiscal years 2026 through 2055''.

SEC. 903. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) as soon as practicable after, but not later than 10 days after, the date of enactment of this Act, revise the proposed outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in the program Lease Sale 220 off the coast of Virginia; and

(2) include the outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under that program are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section—

(A) to preserve the ability of the Armed Forces to maintain an optimum state of readiness through their continued use of energy resources of the outer Continental Shelf; and

(B) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with—

(A) the agreement entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf'' signed July 20, 1983; and

(B) any revision to, or replacement of, the agreement described in subparagraph (A) that is agreed to by the Secretary of Defense and the Secretary of the Interior after July 20, 1983, but before the date of issuance of the lease under which the exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf under section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

SEC. 904. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.

The Secretary of the Interior may not, before December 31, 2013, issue a regulation modifying the final rule entitled ''Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams'' (73 Fed. Reg. 75814 (December 12, 2008)).

SA 3671. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHIFT IN THE COLLECTION OF THE PAYMENT FOR THE TRANSITIONAL REINSURANCE PROGRAM.

(a) IN GENERAL.—Section 1341(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18061(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting ''beginning on January 1, 2018,'' after ''required to make payments''; and

(ii) by striking ''any plan year beginning in the 3-year period'' and all that follows through the end and inserting ''payments made under subparagraph (C) (as specified in paragraph (3));''

(B) in subparagraph (B), by striking ''and uses'' and all that follows through the period and inserting ''; and'' and

(C) by adding at the end the following:

''(C) the applicable reinsurance entity makes reinsurance payments to health insurance issuers described in subparagraph (A) that cover high risk individuals in the individual market (excluding grandfathered health plans) for any plan year beginning in the 3-year period beginning January 1, 2014, in an aggregate amount of up to the total of the aggregate contribution amounts described in paragraph (3)(B)(iv), subject to paragraph (4).'';

(2) in paragraph (2), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(C)'';

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''2014'' and inserting ''2018''; and

(B) in subparagraph (B)—

(i) in clause (ii), by striking ''administrative'' and inserting ''operational'';

(ii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii), the following:

''(iii) the aggregate contribution amount for all States shall be based on the total amount of reinsurance payments made under paragraph (1)(C);'';

(iv) by striking clause (iv), as so redesignated, and inserting the following:

''(iv) the aggregate contribution amount collected under clause (iii) shall, without regard to amounts described in clause (ii), be limited to $10,000,000,000 based on the plan years beginning in 2014, $6,000,000,000 based on the plan years beginning in 2015, and $4,000,000,000 based on the plan years beginning in 2016;'';

(v) in clause (v), as so redesignated, by striking ''clause (iii)'' each place that such term appears and inserting ''clause (iv)'';

(vi) by inserting after clause (v), the following:

''(vi) in addition to the contribution amounts under clauses (iii), (iv), and (v), each issuer's contribution amount—

''(I) shall reflect its proportionate share of an additional $20,300,000 for operational expenses for reinsurance payments for calendar year 2014 and for reinsurance collections for calendar year 2018;

''(II) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2015 and for reinsurance collections for calendar year 2019; and

''(III) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2016 and for reinsurance collections for calendar year 2020; and

''(vii) collection of the contribution amounts provided for in clauses (ii) through (vi) shall be initiated—

''(I) for calendar year 2014, not earlier than January 1, 2018;

''(II) for calendar year 2015, not earlier than January 1, 2019; and

''(III) for calendar year 2016, not earlier than January 1, 2020.'';

(4) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking ''contribution amounts collected for any calendar year'' and inserting ''amount provided under paragraph (5) for reinsurance payments described in paragraph (1)(C)''; and

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

(B) by striking subparagraph (B);

(C) by striking ''that—'' and all that follows through ''the contribution'' in subparagraph (A) and inserting ''that the contribution''; and

(D) in the flush matter at the end, by striking ''paragraph (3)(B)(iv)'' and inserting the following: ''paragraph (3)(B)(v) and any amounts collected under clauses (ii) of paragraph (3)(B) that, when combined with the funding provided for under paragraph (5), exceed the aggregate amount permitted for making the reinsurance payments described in paragraph (1)(C) and to fund the operational expenses of applicable reinsurance entities,''; and

(5) by adding at the end the following:

''(5) FUNDING.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, an amount equal to the aggregate amount to be collected for plan years beginning in 2014 set forth in paragraph (3)(B)(iv) for reinsurance payments described in paragraph (1)(C), and an amount equal to the contribution amounts set forth in paragraph (3)(B)(vi) to fund operational expenses of applicable reinsurance entities.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to increase the amount of payments to be collected under subsection (b)(1)(A) or to decrease the amount of the reinsurance payments to be made under subsection (b)(1)(C) of section 1341 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061).

(c) MEDICAL LOSS RATIO.—The Secretary of Health and Human Services shall promulgate regulations or guidance to ensure that health insurance issuers reflect changes made in section 1341 of the Patient Protection and Affordable Care Act with section

2718 of the Public Health Service Act (42 U.S.C.1 300gg-18) and sections 1342 and 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18063 and 18032(c)).

SA 3672. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. AMERICA STAR PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish a voluntary program, to be known as the ''America Star Program'', under which manufacturers may have products certified as meeting the standards of labels that indicate to consumers the extent to which the products are manufactured in the United States.

(b) ESTABLISHMENT OF LABELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall, by rule—

(A) design America Star labels that are consistent with public perceptions of the meaning of descriptions of the extent to which a product is manufactured in the United States; and

(B) specify the standards that a product shall meet in order to bear a particular America Star label.

(c) CERTIFICATION OF PRODUCTS.—

(1) APPLICATION PROCEDURES.—A manufacturer that wishes to have a product certified as meeting the standards of an America Star label may apply to the Secretary for certification in accordance with such procedures as the Secretary shall establish by rule.

(2) ACTION BY SECRETARY.—Not later than such time after receiving an application for certification under paragraph (1) as the Secretary determines reasonable by rule, the Secretary shall—

(A) determine whether the product described in the application meets the standards of the requested America Star label;

(B) if the product meets such standards, certify the product; and

(C) notify the manufacturer of the determination and whether the product has been certified.

(d) MONITORING; WITHDRAWAL OF CERTIFICATION.—

(1) MONITORING.—The Secretary shall conduct such monitoring and compliance review as the Secretary considers necessary—

(A) to detect violations of subsection (f); and

(B) to ensure that products certified as meeting the standards of America Star labels continue to meet such standards.

(2) WITHDRAWAL OF CERTIFICATION.—

(A) ON INITIATIVE OF SECRETARY.—If the Secretary determines that a product certified as meeting the standards of an America Star label no longer meets such standards, the Secretary shall—

(i) notify the manufacturer of the determination and any corrective action that would enable the product to meet such standards; and

(ii) if the manufacturer does not take such action within such time after receiving notification under clause (i) as the Secretary determines reasonable by rule, the Secretary shall withdraw the certification of the product and notify the manufacturer of the withdrawal.

(B) AT REQUEST OF MANUFACTURER.—At the request of the manufacturer of a product, the Secretary shall withdraw the certification of the product and notify the manufacturer of the withdrawal.

(e) CONSULTATION.—

(1) REQUIRED CONSULTATION WITH FEDERAL TRADE COMMISSION.—In establishing America Star labels and operating the America Star Program, the Secretary shall consult with the Federal Trade Commission to ensure consistency with the requirements enforced by the Commission with respect to representations of the extent to which products are manufactured in the United States.

(2) SENSE OF CONGRESS ON CONSULTATION WITH PRIVATE-SECTOR COMPANIES.—It is the sense of Congress that, in establishing America Star labels and operating the America Star Program, the Secretary should consult with private-sector companies that have developed labeling programs to verify or certify to consumers the extent to which products are manufactured in the United States.

(f) PROHIBITED CONDUCT.—Unless a certification by the Secretary that a product meets the standards of an America Star label is in effect, a person may not—

(1) place such label on such product;

(2) use such label in any marketing materials for such product; or

(3) in any other way represent that such product meets, or is certified as meeting, the standards of such label.

(g) ENFORCEMENT.—

(1) CIVIL PENALTY.—Any person who knowingly violates subsection (f) shall be subject to a civil penalty of not more than $10,000.

(2) INELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (C), if the Secretary determines that a manufacturer—

(i) has made a false statement to the Secretary in connection with the America Star Program;

(ii) knowing, or having reason to know, that a product does not meet the standards of an America Star label—

(I) has placed such label on such product;

(II) has used such label in any marketing materials for such product; or

(III) in any other way has represented that such product meets or is certified as meeting the standards of such label; or

(iii) has otherwise violated the purposes of the America Star Program;

the Secretary may not, for a period of 5 years after the conduct described in clause (i), (ii), or (iii), certify the product to which such conduct relates as meeting the standards of an America Star label.

(B) EFFECT ON EXISTING CERTIFICATION.—In the case of a product with respect to which, at the time of the determination of the Secretary under subparagraph (A), there is in effect a certification by the Secretary that the product meets the standards of an America Star label—

(i) if the product continues to meet such standards, the Secretary may either withdraw the certification or allow the certification to continue in effect, as the Secretary considers appropriate; and

(ii) if the product no longer meets such standards, the Secretary shall withdraw the certification.

(C) WAIVER.—Notwithstanding subparagraph (A), the Secretary may waive or reduce the period referred to in such subparagraph if the Secretary determines that the waiver or reduction is in the best interests of the America Star Program.

(h) ADMINISTRATIVE APPEAL.—

(1) EXPEDITED APPEALS PROCEDURE.—The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary under this section that—

(A) adversely affects such person; or

(B) is inconsistent with the America Star Program.

(2) APPEAL OF FINAL DECISION.—A final decision of the Secretary under paragraph (1) may be appealed to the United States district court for the district in which the person is located.

(i) OFFSETTING COLLECTIONS.—

(1) IN GENERAL.—The Secretary may collect reasonable fees from—

(A) manufacturers that apply for certification of products as meeting the standards of America Star labels; and

(B) manufacturers of products for which such certifications are in effect.

(2) ACCOUNT.—The fees collected under paragraph (1) shall be credited to the account that incurs the cost of the certification services provided under this section.

(3) USE.—The fees collected under paragraph (1) shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing certification services under this section.

(j) DEFINITIONS.—In this section:

(1) AMERICA STAR LABEL.—The term ''America Star label'' means a label described in subsection (a) and established by the Secretary under subsection (b)(1).

(2) AMERICA STAR PROGRAM.—The term ''America Star Program'' means the voluntary labeling program established under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SA 3673. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF NEW MARKETS TAX CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) of the Internal Revenue Code of 1986 is amended by striking '', 2011, 2012, and 2013'' and inserting ''and each calendar year thereafter''.

(2) CONFORMING AMENDMENT.—Section 45D(f)(3) of such Code is amended by striking the last sentence.

(b) INFLATION ADJUSTMENT.—Subsection (f) of section 45D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2013, the dollar amount in paragraph (1)(G) shall 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, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING RULE.—Any increase under subparagraph (A) which is not a multiple of $1,000,000 shall be rounded to the nearest multiple of $1,000,000.''.

(c) ALTERNATIVE MINIMUM TAX RELIEF.—Subparagraph (B) of section 38(c)(4) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2014,''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALTERNATIVE MINIMUM TAX RELIEF.—The amendments made by subsection (c) shall

apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after the date of the enactment of this Act.

SA 3674. Mr. WARNER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INBOUND INVESTMENT PROGRAM TO RECRUIT JOBS TO THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) DISTRESSED.—The term ''distressed'', with respect to an area, means an area in the United States that, on the date on which the program is established under subsection (b)—

(A) is included in the most recent classification of labor surplus areas by the Secretary of Labor; and

(B) has an unemployment rate equal to or great than 110 percent of the unemployment rate of the United States.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that employs not fewer than 50 full-time equivalent employees in high-value jobs.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a facility at which—

(A) an eligible entity employs not fewer than 50 full-time equivalent employees in high-value jobs;

(B) with respect to a rural or distressed area, the mean of the wages provided by the eligible entity to individuals employed at such facility is greater than the mean wage for the county in which the rural or distressed area is located; and

(C) derives at least the majority of its revenues from—

(i) goods production; or

(ii) providing product design, engineering, marketing, or information technology services.

(4) HIGH-VALUE JOB DEFINED.—The term ''high-value job'' means a job that—

(A) exists within an eligible facility; and

(B) has a North American Industrial Classification that corresponds with manufacturing, software publishers, computer systems design, or related codes, and is higher than the mean hourly wage in the country.

(5) RURAL.—The term ''rural'', with respect to an area, means any area in the United States which, as confirmed by the latest decennial census, is not located within—

(A) a city or town that has a population of greater than 50,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town described in subparagraph (A).

(b) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program to award grants to States that are recruiting high-value jobs. Grants awarded under this section may be used to issue forgivable loans to eligible entities that are deciding whether to locate eligible facilities in the United States to assist such entities in locating such facilities in rural or distressed areas.

(c) FEDERAL GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall carry out the program through the award of grants to States to provide loans and loan guarantees described in subsection (d).

(2) APPLICATION.—

(A) IN GENERAL.—A State seeking a grant under the program shall submit an application to the Secretary in such manner and containing such information as the Secretary may require. Once the program is operational, any State may apply for a grant on an ongoing basis, until funds are exhausted. The Secretary may also establish a process for pre-clearing applications from States. The Secretary shall notify all States of this grant opportunity once the program is operational. All information about the program and the State application process must be online and must be in a format that is easily understood and is widely accessible.

(B) ELEMENTS.—Each application submitted by a State under subparagraph (A) shall include—

(i) a description of the eligible entity the State proposes to assist in locating an eligible facility in a rural or distressed area of the State;

(ii) a description of such facility, including the number of high-value jobs relating to such facility;

(iii) a description of such rural or distressed area;

(iv) a description of the resources of the State that the State has committed to assisting such corporation in locating such facility, including tax incentives provided, bonding authority exercised, and land granted; and

(v) such other elements as the Secretary considers appropriate.

(C) NOTICE.—As soon as practicable after establishing the program under subsection (b), the Secretary shall notify all States of the grants available under the program and the process for applying for such grants.

(D) ONLINE SUBMISSION OF APPLICATIONS.—The Secretary shall establish a mechanism for the electronic submission of applications under subparagraph (A). Such mechanism shall utilize an Internet website and all information on such website shall be in a format that is easily understood and widely accessible.

(E) CONFIDENTIALITY.—The Secretary may not make public any information submitted by a State to the Secretary under this paragraph regarding the efforts of such State to assist an eligible entity in locating an eligible facility in such State without the express consent of the State.

(3) SELECTION.—The Secretary shall award grants under the program on a competitive basis to States that—

(A) the Secretary determines are most likely to succeed with a grant under the program in assisting an eligible entity in locating an eligible facility in a rural or distressed area;

(B) if successful in assisting an eligible entity as described in subparagraph (A), will create the greatest number of high-value jobs in rural or distressed areas;

(C) have committed significant resources, to the extent of their ability as determined by the Secretary, to assisting eligible entities in locating eligible facilities in a rural or distressed areas; or

(D) meet such other criteria as the Secretary considers appropriate, including criteria relating to marketing plans, benefits to ongoing regional or State strategies for economic development, and job growth.

(4) LIMITATION ON COMPETITION BETWEEN STATES.—The Secretary may not award a grant to a State under the program to assist an eligible entity—

(A) in locating an eligible facility in such State if another State is already seeking to assist such eligible entity in locating such eligible facility in such other State; or

(B) from relocating an eligible facility from one State to another State.

(5) AVAILABILITY OF GRANT AMOUNTS.—For each grant awarded to a State under the program, the Secretary shall make available to such State the amount of such grant not later than 30 days after the date on which the Secretary awarded the grant. The total amount of grants awarded under this program may not exceed $100,000,000.

(d) LOANS AND LOAN GUARANTEES FROM STATES TO CORPORATIONS.—

(1) IN GENERAL.—Amounts received by a State under the program shall be used to provide assistance to an eligible entity to locate an eligible facility in a rural or distressed area of the State.

(2) LOANS AND LOAN GUARANTEES.—A State receiving a grant under the program may provide assistance under paragraph (1) in the form of—

(A) a single loan to a single eligible entity as described in paragraph (1) to cover the costs incurred by the eligible entity in locating the eligible facility as described in such paragraph; or

(B) a single loan guarantee to a financial institution making a single loan to a single eligible entity as described in paragraph (1) to cover the costs incurred by the eligible entity in locating the eligible facility as described in such paragraph.

(3) TERMS AND CONDITIONS.—Each loan or loan guarantee provided under paragraph (2) shall have a term of 5 years and shall bear interest at rates equal to the Federal long-term rate under section 1274(d)(1)(C) of the Internal Revenue Code of 1986.

(4) AMOUNT.—The amount of a loan or loan guarantee issued to an eligible entity under the program for the location of an eligible facility shall be an amount equal to not more than $5,000 per full-time equivalent employee to be employed at such facility.

(5) REPAYMENT.—Repayment of a loan issued by a State to an eligible entity under the program shall be repaid in accordance with such schedule as the State shall establish in accordance with such rules as the Secretary shall prescribe for purposes of the program. Such rules shall provide for the following:

(A) Forgiveness of all or a portion of the loan, the amount of such forgiveness depending upon the following:

(i) The performance of the borrower.

(ii) The number or quality of the jobs at the facility located under the program.

(B) Repayment of principal or interest, if any, at the end of the term of the loan.

(e) ASSESSMENT AND RECOMMENDATIONS.—

(1) ONGOING ASSESSMENT.—The Secretary shall conduct an ongoing assessment of the program.

(2) RECOMMENDATIONS.—The Secretary may submit to Congress recommendations for such legislative action as the Secretary considers appropriate to improve the program, including with respect to any findings of the Secretary derived by comparing the program established under subsection (b) with the programs and policies of governments of other countries used to recruit high-value jobs.

SA 3675. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—WATER SUPPLY PERMITTING COORDINATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Water Supply Permitting Coordination Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Reclamation.

(2) COOPERATING AGENCIES.—The term ''cooperating agency'' means a Federal agency

with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 203(c).

(3) QUALIFYING PROJECTS.—The term ''qualifying projects'' means new surface water storage projects constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and

(2) to make subject to the processes of this title all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the water resource project.

SEC. 204. BUREAU RESPONSIBILITIES.

(a) IN GENERAL.—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(1) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) CONSULTATION WITH COOPERATING AGENCIES.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) SCHEDULE.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 205.

SEC. 205. COOPERATING AGENCY RESPONSIBILITIES.

(a) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 204, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

SEC. 206. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project or activity for a public purpose under the jurisdiction of the Department of the Interior.

(b) EFFECT ON PERMITTING.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) EVALUATION OF PERMITS.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau of Reclamation, or the Regional Director's designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

SA 3676. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. NATIONAL ENERGY TAX REPEAL.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

SA 3677. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—Neither the Secretary of the Army nor the Administrator of the Environmental Protection Agency shall—

(1) finalize the proposed rule entitled ''Definition of 'Waters of the United States' Under the Clean Water Act'' (79 Fed. Reg. 22188 (April 21, 2014)); or

(2) use the proposed rule described in paragraph (1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) RULES.—The use of the proposed rule described in subsection (a)(1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be grounds for vacation of the final rule, decision, or enforcement action.

SA 3678. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REDUCTION IN CORPORATE TAX RATE.

(a) IN GENERAL.—Subsection (b) of section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be the sum of—

''(1) 15 percent of so much of the taxable income as does not exceed $50,000, and

''(2) 20 percent of so much of the taxable income as exceeds $50,000.''.

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

SA 3679. Mr. JOHANNS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—BUSINESS RISK MITIGATION AND PRICE STABILIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Business Risk Mitigation and Price Stabilization Act of 2013''.

SEC. 202. MARGIN REQUIREMENTS.

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A), or an exemption issued under section 4(c)(1) from the requirements of section 2(h)(1)(A) for cooperative entities as defined in such exemption, or satisfies the criteria in section 2(h)(7)(D).''.

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).''.

SEC. 203. IMPLEMENTATION.

The amendments made by this title to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

SA 3680. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FAMILY HEALTH CARE FLEXIBILITY.

(a) NO LIMITATIONS ON ACCESS TO OVER-THE-COUNTER DRUGS WITHOUT PRESCRIPTIONS.—Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) NO LIMITATIONS ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) and the amendments made by such sections are repealed; and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

SA 3681. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—ENDING OPERATION CHOKE POINT

SEC. 201. SHORT TITLE.

This title may be cited as the ''End Operation Choke Point Act of 2014''.

SEC. 202. BUSINESS ACCESS TO INSURED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

''SEC. 51. BUSINESS ACCESS TO INSURED DEPOSITORY INSTITUTIONS.

''(a) IN GENERAL.—The Federal banking agencies may not prohibit or otherwise restrict or discourage an insured depository institution from providing any product or service to an entity that demonstrates to the insured depository institution that such entity—

''(1) is licensed and authorized to offer such product or service;

''(2) is registered as a money transmitting business under section 5330 of title 31, United States Code, or regulations promulgated under such section; or

''(3) has a reasoned legal opinion that demonstrates the legality of the entity's business under applicable law.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) require an insured depository institution—

''(A) to provide any product or service to any particular entity;

''(B) to regularly review the status of any license of an entity; or

''(C) to determine the validity or veracity of any reasoned legal opinion obtained under subsection (a)(3); or

''(2) imply or require that an insured depository institution may only provide products or services to an entity that has met any of the requirements of paragraphs (1) through (3) of subsection (a).

''(c) LIMITATION ON RULEMAKING.—The Federal banking agencies may not issue any guidance under subsection (a). Any rule implementing subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

''(d) REASONED LEGAL OPINION DEFINED.—For purposes of this section, the term 'reasoned legal opinion'—

''(1) means a written legal opinion by a State-licensed attorney that addresses the facts of a particular business and the legality of the business's provision of products or services to customers in the relevant jurisdictions under applicable Federal and State law, tribal ordinances, tribal resolutions, and tribal-State compacts; and

''(2) does not include a written legal opinion that recites the facts of a particular business and states a conclusion.''.

SEC. 203. BUSINESS ACCESS TO FEDERAL CREDIT UNIONS.

Title I of the Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

''SEC. 132. BUSINESS ACCESS TO INSURED CREDIT UNIONS.

''(a) IN GENERAL.—The Board may not prohibit or otherwise restrict or discourage an insured credit union from providing any product or service to an entity that demonstrates to the insured credit union that such entity—

''(1) is licensed and authorized to offer such product or service;

''(2) is registered as a money transmitting business under section 5330 of title 31, United States Code, or regulations promulgated under such section; and

''(3) has a reasoned legal opinion that demonstrates the legality of the entity's business under applicable law.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) require an insured credit union—

''(A) to provide any products or services to any entity;

''(B) to regularly review the status of any license of an entity; or

''(C) to determine the validity or veracity of any reasoned legal opinion obtained under subsection (a)(3); or

''(2) imply or require that an insured credit union may only provide products or services to an entity that has met any of the requirements of paragraphs (1) through (3) of subsection (a).

''(c) LIMITATION ON RULEMAKING.—The Board may not issue any guidance under subsection (a). Any rule implementing subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

''(d) REASONED LEGAL OPINION DEFINED.—For purposes of this section, the term 'reasoned legal opinion'—

''(1) means a written legal opinion by a State-licensed attorney that addresses the facts of a particular business and the legality of the business's provision of products or services to customers in the relevant jurisdictions under applicable Federal and State law, tribal ordinances, tribal resolutions, and tribal-State compacts; and

''(2) does not include a written legal opinion that recites the facts of a particular business and states a conclusion.''.

SEC. 204. AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.

Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) in subsection (c)(2), by inserting ''and where such violation or conspiracy to violate is in connection with a violation or conspiracy to violate a section described under paragraph (1)'' after ''financial institution''; and

(2) in subsection (g)—

(A) in the header, by striking ''SUBPOENAS'' and inserting ''INVESTIGATIONS'';

(B) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) request a court order from a court of competent jurisdiction, to summon witnesses and to require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry, and which shall be issued only if the Attorney General offers specific and articulable facts showing that there are reasonable grounds to believe that the information or testimony sought is relevant and material to an ongoing civil proceeding under this section.'';

(C) by amending paragraph (2) to read as follows:

''(2) ANNUAL REPORT TO CONGRESS ON FIRREA COURT ORDERS.—The Attorney General shall submit a report before January 31 of each year, beginning the first January following the date of enactment of the End Operation Choke Point Act of 2014, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, which shall include a detailed description of—

''(A) the number of court orders sought by the Attorney General and the number of orders issued;

''(B) the recipient of the court orders;

''(C) the number of documents requested and received;

''(D) the number of witnesses requested to testify and the number who actually testified; and

''(E) whether a civil enforcement action was filed and the result of any such enforcement action, including settlements that led to the dismissal of charges.''; and

(D) by striking paragraph (3).

SEC. 205. REQUIRING COOPERATION TO DETER THE COMMISSION OF FINANCIAL FRAUD.

Subsection (a) of section 314 of the USA PATRIOT Act (31 U.S.C. 5311 note) is amended—

(1) in paragraph (1), by inserting '', the commission of financial fraud,'' after ''terrorist acts'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) means of facilitating the identification of accounts and transactions involving persons engaged in committing financial fraud, subject to the limitations described in paragraph (5).''; and

(3) in paragraph (5), by striking ''shall not be used'' and all that follows through the period at the end and inserting the following: ''shall not—

''(A) be used for any purpose other than identifying and reporting on activities that may involve terrorist acts, financial fraud, or money laundering; and

''(B) be construed to require financial institutions to determine or assure compliance of any entity with any Federal, State, or other licensing requirements.''.

SEC. 206. LIABILITY FOR DISCLOSURES IN REPORTING SUSPICIOUS TRANSACTIONS.

Paragraph (3) of section 5318(g) of title 31, United States Code, is amended—

(1) in subparagraph (A), by inserting '', for any underlying activity that is the subject of the disclosure,'' after ''for such disclosure''; and

(2) in subparagraph (B)(ii), by striking ''civil or'' before ''criminal''.

SEC. 207. FINANCIAL CRIMES ENFORCEMENT NETWORK DATA ACCOUNTABILITY METRICS.

Section 310 of title 31, United States Code, is amended—

(1) in subsection (b)(2)(C)—

(A) in clause (vi), by striking ''; and'' and inserting a semicolon;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(viii) generate feedback and report on the utility of the data access service described in subparagraph (B) and the information collected by the service to improve cooperation among data providers and users while reducing regulatory burden and preserving payment system efficiency.'';

(2) in subsection (c)—

(A) in paragraph (1)(C), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following new paragraph:

''(3) for appropriate metrics to monitor, track, assess, and report on access to information contained in the data maintenance system maintained by FinCEN for—

''(A) identifying, tracking, and measuring how such information is used and the law enforcement results obtained as a consequence of that use; and

''(B) assuring accountability by law enforcement agencies for the utility, security, and privacy of such information while reducing unnecessary regulatory burdens.''.

SA 3682. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TRUTH IN REGULATING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Truth in Regulating Act of 2014''.

(b) PURPOSES.—The purposes of this section are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

(c) DEFINITIONS.—In this section—

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

(2) the term ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may—

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

(B) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) the term ''independent evaluation'' means a substantive evaluation of the data, methodology, and assumptions used by an agency in developing an economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of the strengths or weaknesses described in subparagraph (A) for the rule making; and

(4) the term ''pilot program'' means the program for reviewing and reporting on economically significant rules established under subsection (d).

(d) PILOT PROGRAM FOR REPORT ON RULES.—

(1) IN GENERAL.—

(A) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, the chair or ranking member of a committee of jurisdiction of either House of Congress may request that the Comptroller General of the United States review the rule.

(B) REPORT.—Subject to subparagraph (D), not later than 180 days after the Comptroller General receives a request under subparagraph (A) for review of an economically significant rule, the Comptroller General shall submit to each committee of jurisdiction in each House of Congress a report that includes an independent evaluation of the economically significant rule.

(C) INDEPENDENT EVALUATION.—The independent evaluation of an economically significant rule by the Comptroller General under subparagraph (B) shall include, with respect to the agency that published the rule—

(i) an evaluation of the analysis by the agency of the potential benefits of the rule, including—

(I) any beneficial effects that cannot be quantified in monetary terms; and

(II) the identification of the persons or entities likely to receive the benefits described in subclause (I);

(ii) an evaluation of the analysis by the agency of the potential costs of the rule, including—

(I) any adverse effects that cannot be quantified in monetary terms; and

(II) the identification of the persons or entities likely to bear the costs described in subclause (I);

(iii) an evaluation of—

(I) the analysis by the agency of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record; and

(II) any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(iv) a summary of—

(I) the results of the evaluation of the Comptroller General; and

(II) the implications of the results described in subclause (I).

(D) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General may develop procedures for determining the priority and number of requests for review under subparagraph (A) for which the Comptroller General submits a report under subparagraph (B).

(2) AUTHORITY OF COMPTROLLER GENERAL.—

(A) COOPERATION BY AGENCIES.—Each agency shall promptly cooperate with the Comptroller General in carrying out this section.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand or limit the authority of the Government Accountability Office.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Government Accountability Office to carry out this section $5,200,000 for each of the 3 fiscal years during the period described in subsection (f)(2)(A).

(f) EFFECTIVE DATE; DURATION OF PILOT PROGRAM; REPORT.—

(1) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

(2) DURATION OF PILOT PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the pilot program shall be in effect for the 3-year period beginning on the effective date of this section.

(B) FAILURE TO APPROPRIATE FUNDS.—If a specific annual appropriation of not less than $5,200,000 is not made to carry out this section for a fiscal year, the pilot program shall not be in effect during that fiscal year.

(3) REPORT.—Not later than the last day of the period described in paragraph (2)(A), the Comptroller General shall submit to Congress a report that—

(A) reviews the effectiveness of the pilot program; and

(B) recommends whether or not Congress should permanently authorize the pilot program.

SA 3683. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. SMALL BUSINESS ADMINISTRATION STUDY ON THE COST OF FEDERAL REGULATIONS.

(a) DEFINITION.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof;

(2) the term ''major rule'' has the meaning given that term under section 804 of title 5, United States Code; and

(3) the term ''small business concern'' has the meaning given that term under in section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall conduct a study on the total cost, including job losses, of Federal regulations to small business concerns.

(c) REQUIREMENT.—In conducting each study required under subsection (b), the Administrator shall use the best available estimates of the costs and the benefits, including estimates produced in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), disaggregated by each agency issuing a major rule, of—

(1) each major rule promulgated during the year covered by the study that resulted in a net cost to small business concerns; and

(2) the cumulative costs of such major rules.

(d) REPORT.—Not later than 90 days after completing a study required under subsection (b), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(1) the findings of the study; and

(2) for each study completed after the first study, the increase in the total cost of Federal regulations to small business concerns above the total cost included in the report for the preceding year.

(e) FUNDING.—

(1) IN GENERAL.—The Administrator shall carry out this section using unobligated funds otherwise made available to the Administration.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that no additional funds should be made available to the Administration to carry out this section.

SA 3684. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. SMALL BUSINESS ADMINISTRATION STUDY ON THE COST OF FEDERAL REGULATIONS.

(a) DEFINITION.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof;

(2) the term ''major rule'' has the meaning given that term under section 804 of title 5, United States Code; and

(3) the term ''small business concern'' has the meaning given that term under in section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall conduct a study on the total cost, including job losses, of Federal regulations to small business concerns.

(c) REQUIREMENT.—In conducting each study required under subsection (b), the Administrator shall use the best available estimates of the costs and the benefits, including estimates produced in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), disaggregated by each agency issuing a major rule, of—

(1) each major rule promulgated during the year covered by the study that resulted in a net cost to small business concerns; and

(2) the cumulative costs of such major rules.

(d) REPORT.—Not later than 90 days after completing a study required under subsection (b), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(1) the findings of the study; and

(2) for each study completed after the first study, the increase in the total cost of Federal regulations to small business concerns above the total cost included in the report for the preceding year.

(e) FUNDING.—

(1) IN GENERAL.—The Administrator shall carry out this section using unobligated funds otherwise made available to the Administration.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that no additional funds should be made available to the Administration to carry out this section.

SA 3685. Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. 4. PERMANENT DOUBLING OF DEDUCTIONS FOR START-UP EXPENSES, ORGANIZATIONAL EXPENSES, AND SYNDICATION FEES.

(a) START-UP EXPENSES.—

(1) IN GENERAL.—Clause (ii) of section 195(b)(1)(A) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$5,000'' and inserting ''$10,000'', and

(B) by striking ''$50,000'' and inserting ''$60,000''.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(b) ORGANIZATIONAL EXPENSES.—Subparagraph (B) of section 248 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$5,000'' and inserting ''$10,000'', and

(2) by striking ''$50,000'' and inserting ''$60,000''.

(c) ORGANIZATION AND SYNDICATION FEES.—Clause (ii) of section 709(b)(1)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$5,000'' and inserting ''$10,000'', and

(2) by striking ''$50,000'' and inserting ''$60,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years ending on or after the date of the enactment of this Act.

SEC. 5. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 of the Internal Revenue Code of 1986 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

''(A) for all prior taxable years beginning after December 31, 2013, the taxpayer (or any predecessor) met the gross receipts test of section 448(c), and

''(B) the taxpayer is not subject to section 447 or 448.''.

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) of such Code (relating to entities with gross receipts of not more than $5,000,000) is amended by striking ''$5,000,000'' in the text and in the heading and inserting ''$10,000,000''.

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking ''$5,000,000'' each place it appears in the text and in the heading of paragraph (1) and inserting ''$10,000,000'', and

(ii) by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the dollar amount contained in subsection (b)(3) and paragraph (1) of this subsection shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 of the Internal Revenue Code of 1986 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2013, such property shall be treated as a material or supply which is not incidental.

''(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

''(A) any eligible taxpayer (as defined in section 446(g)(2)), and

''(B) any taxpayer described in section 448(b)(3).''.

(2) INCREASED ELIGIBILITY FOR SIMPLIFIED DOLLAR-VALUE LIFO METHOD.—Section 474(c) is amended by striking ''$5,000,000'' and inserting ''the dollar amount in effect under section 448(c)(1)''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 6. PERMANENT EXTENSION OF EXPENSING LIMITATION.

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed'' and all that follows and inserting ''shall not exceed $250,000.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended by striking ''exceeds'' and all that follows and inserting ''exceeds $800,000.''.

(c) 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 in a calendar year after 2014, the $250,000 in paragraph (1) and the $800,000 amount in paragraph (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 the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking ''and before 2014''.

(e) ELECTION.—Section 179(c)(2) of such Code is amended by striking ''and before 2014''.

(f) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of such Code is amended by striking ''beginning in 2010, 2011, 2012, or 2013'' and inserting ''beginning after 2009''.

(2) CONFORMING AMENDMENT.—Section 179(f) of such Code is amended by striking paragraph (4).

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

SEC. 7. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2015'' in subparagraph (A)(iv) and inserting ''January 1, 2016'', and

(2) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014 (January 1, 2015'' and inserting ''January 1, 2015 (January 1, 2016''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2014'' and inserting ''JANUARY 1, 2015''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2014'' and inserting ''PRE-JANUARY 1, 2015''.

(3) Section 168(k)(4)(D) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2015' shall be substituted for 'January 1, 2016' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2014' shall be substituted for 'January 1, 2015' each place it appears in subparagraph (A) thereof.''.

(4) Section 168(l)(4) of such Code is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2014' for 'January 1, 2015' in clause (i) thereof, and''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013, in taxable years ending after such date.

SEC. 8. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) of the Internal Revenue Code of 1986 are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

SA 3686. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. 4. ELIMINATION OF DISINCENTIVE TO POOLING FOR MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe final regulations under which a plan described in section 413(c) of the Internal Revenue Code of 1986 may be treated as satisfying the qualification requirements of section 401(a) of such Code despite the violation of such requirements with respect to one or more participating employers. Such rules may require that the portion of the plan attributable to such participating employers be spun off to plans maintained by such employers.

SEC. 5. MODIFICATION OF ERISA RULES RELATING TO MULTIPLE EMPLOYER DEFINED CONTRIBUTION PLANS.

(a) IN GENERAL.—

(1) REQUIREMENT OF COMMON INTEREST.—Section 3(2) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(C)(i) A qualified multiple employer plan shall not fail to be treated as an employee pension benefit plan or pension plan solely because the employers sponsoring the plan share no common interest.

''(ii) For purposes of this subparagraph, the term 'qualified multiple employer plan' means a plan described in section 413(c) of the Internal Revenue Code of 1986 which—

''(I) is an individual account plan with respect to which the requirements of clauses (iii), (iv), and (v) are met, and

''(II) includes in its annual report required to be filed under section 104(a) the name and identifying information of each participating employer.

''(iii) The requirements of this clause are met if, under the plan, each participating employer retains fiduciary responsibility for—

''(I) the selection and monitoring of the named fiduciary, and

''(II) the investment and management of the portion of the plan's assets attributable to employees of the employer to the extent not otherwise delegated to another fiduciary.

''(iv) The requirements of this clause are met if, under the plan, a participating employer is not subject to unreasonable restrictions, fees, or penalties by reason of ceasing participation in, or otherwise transferring assets from, the plan.

''(v) The requirements of this clause are met if each participating employer in the plan is an eligible employer as defined in section 408(p)(2)(C)(i) of the Internal Revenue Code of 1986, applied—

''(I) by substituting '500' for '100' in subclause (I) thereof,

''(II) by substituting '5' for '2' each place it appears in subclause (II) thereof, and

''(III) without regard to the last sentence of subclause (II) thereof.''.

(2) SIMPLIFIED REPORTING FOR SMALL MULTIPLE EMPLOYER PLANS.—Section 104(a) of such Act (29 U.S.C. 1024(a)) is amended by adding at the end the following:

''(7)(A) In the case of any eligible small multiple employer plan, the Secretary may by regulation—

''(i) prescribe simplified summary plan descriptions, annual reports, and pension benefit statements for purposes of section 102, 103, or 105, respectively, and

''(ii) waive the requirement under section 103(a)(3) to engage an independent qualified public accountant in cases where the Secretary determines it appropriate.

''(B) For purposes of this paragraph, the term 'eligible small multiple employer plan' means, with respect to any plan year—

''(i) a qualified multiple employer plan, as defined in section 3(2)(C)(ii), or

''(ii) any other plan described in section 413(c) of the Internal Revenue Code of 1986 that satisfies the requirements of clause (v) of section 3(2)(C).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2014.

SEC. 6. SECURE DEFERRAL ARRANGEMENTS.

(a) IN GENERAL.—Subsection (k) of section 401 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(14) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS TO MEET NONDISCRIMINATION REQUIREMENTS.—

''(A) IN GENERAL.—A secure deferral arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

''(B) SECURE DEFERRAL ARRANGEMENT.—For purposes of this paragraph, the term 'secure deferral arrangement' means any cash or deferred arrangement which meets the requirements of subparagraphs (C), (D), and (E) of paragraph (13), except as modified by this paragraph.

''(C) QUALIFIED PERCENTAGE.—For purposes of this paragraph, with respect to any employee, the term 'qualified percentage' means, in lieu of the meaning given such term in paragraph (13)(C)(iii), any percentage determined under the arrangement if such percentage is applied uniformly and is—

''(i) at least 6 percent, but not greater than 10 percent, during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in paragraph (13)(C)(i) is made with respect to such employee,

''(ii) at least 8 percent during the first plan year following the plan year described in clause (i), and

''(iii) at least 10 percent during any subsequent plan year.

''(D) MATCHING CONTRIBUTIONS.—

''(i) IN GENERAL.—For purposes of this paragraph, an arrangement shall be treated as having met the requirements of paragraph (13)(D)(i) if and only if the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to the sum of—

''(I) 100 percent of the elective contributions of the employee to the extent that such contributions do not exceed 1 percent of compensation,

''(II) 50 percent of so much of such contributions as exceed 1 percent but do not exceed 6 percent of compensation, plus

''(III) 25 percent of so much of such contributions as exceed 6 percent but do not exceed 10 percent of compensation.

''(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clause (ii) of paragraph (12)(B) and clauses (iii) and (iv) of paragraph (13)(D) shall apply for purposes of clause (i) but the rule of clause (iii) of paragraph (12)(B) shall not apply for such purposes. The rate of matching contribution for each incremental deferral must be at least as high as the rate specified in clause (i), and may be higher, so long as such rate does not increase as an employee's rate of elective contributions increases.''.

(b) MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS.—Subsection (m) of section 401 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

''(13) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions and employee contributions if the plan—

''(A) is a secure deferral arrangement (as defined in subsection (k)(14)),

''(B) meets the requirements of clauses (ii) and (iii) of paragraph (11)(B), and

''(C) provides that matching contributions on behalf of any employee may not be made with respect to an employee's contributions or elective deferrals in excess of 10 percent of the employee's compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2014.

SEC. 7. CREDIT FOR EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45S. CREDIT FOR SMALL EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a small employer, the safe harbor adoption credit determined under this section for any taxable year is the amount equal to the total of the employer's matching contributions under section 401(k)(14)(D) during the taxable year on behalf of employees who are not highly compensated employees, subject to the limitations of subsection (b).

''(b) LIMITATIONS.—

''(1) LIMITATION WITH RESPECT TO COMPENSATION.—The credit determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee shall not exceed 2 percent of the compensation of such employee for the taxable year.

''(2) LIMITATION WITH RESPECT TO YEARS OF PARTICIPATION.—Credit shall be determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee only during the first 5 years such employee participates in the qualified automatic contribution arrangement.

''(c) DEFINITIONS.—

''(1) IN GENERAL.—Any term used in this section which is also used in section 401(k)(14) shall have the same meaning as when used in such section.

''(2) SMALL EMPLOYER.—The term 'small employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)).

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowable under this title for any contribution with respect to which a credit is allowed under this section.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''plus'' at the end of paragraph (35),

(2) by striking the period at the end of paragraph (36) and inserting '', plus'', and

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

''(37) the safe harbor adoption credit determined under section 45S.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 45R the following new item:

''Sec. 45S. Credit for small employers with respect to modified safe harbor requirements for automatic contribution arrangements.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years that include any portion of a plan year beginning after December 31, 2014.

SEC. 8. MODIFICATION OF REGULATIONS.

The Secretary of the Treasury shall promulgate regulations or other guidance that—

(1) simplify and clarify the rules regarding the timing of participant notices required under section 401(k)(13)(E) of the Internal Revenue Code of 1986, with specific application to—

(A) plans that allow employees to be eligible for participation immediately upon beginning employment, and

(B) employers with multiple payroll and administrative systems, and

(2) simplify and clarify the automatic escalation rules under sections 401(k)(13)(C)(iii) and 401(k)(14)(C) of the Internal Revenue Code of 1986 in the context of employers with multiple payroll and administrative systems.

Such regulations or guidance shall address the particular case of employees within the same plan who are subject to different notice timing and different percentage requirements, and provide assistance for plan sponsors in managing such cases.

SEC. 9. OPPORTUNITY TO CLAIM THE SAVER'S CREDIT ON FORM 1040EZ.

The Secretary of the Treasury shall modify the forms for the return of tax of individuals in order to allow individuals claiming the credit under section 25B of the Internal Revenue Code of 1986 to file (and claim such credit on) Form 1040EZ.

SA 3687. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITION OF FULL-TIME EMPLOYEE FOR CALENDAR YEAR 2015.

With respect to calendar year 2015, the Secretary of the Treasury shall implement and enforce section 4980H(c) of the Internal Revenue Code of 1986 as if—

(1) in paragraph (2)(E), ''by 174'' is substituted for ''by 120''; and

(2) in paragraph (4)(A), ''40 hours'' is substituted for ''30 hours''.

SA 3688. Mr. MENENDEZ 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; as follows:

At the end of division A, add the following:

TITLE XVIII—EMBASSY SECURITY AND FOREIGN ASSISTANCE AND ARMS EXPORT AUTHORITIES

SEC. 1801. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle A—Embassy Security

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the ''Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security, Threat Mitigation, and Personnel Protection Act of 2014''.

SEC. 1812. DEFINITIONS.

In this subtitle:

(1) FACILITIES.—The term ''facilities'' includes embassies, consulates, expeditionary diplomatic facilities, and any other diplomatic facility outside of the United States, including facilities intended for temporary use.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of State.

PART I—FUNDING AUTHORIZATION AND TRANSFER AUTHORITY

SEC. 1816. CAPITAL SECURITY COST SHARING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State $1,356,000,000 for fiscal year 2015, which shall remain available until expended, for the Capital Security Cost Sharing Program, authorized under section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note).

(b) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that—

(1) the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities in high threat, high risk areas in addition to addressing immediate threat mitigation as set forth in section 1817, and should take into consideration the priorities of other government agencies that are contributing to the Capital Security Cost Sharing Program when replacing or upgrading diplomatic facilities; and

(2) all United States Government agencies are required to pay into the Capital Security Cost Sharing Program a percentage of total costs determined by interagency agreements, in order to address immediate threat mitigation needs and increase funds for the Capital Security Cost Sharing Program for fiscal year 2015, including to address inflation and increased construction costs.

(c) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note) is amended by adding at the end the following: ''A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.''.

SEC. 1817. IMMEDIATE THREAT MITIGATION.

(a) ALLOCATION OF AUTHORIZED APPROPRIATIONS.—In addition to any amounts otherwise made available for such purposes, the Department of State shall, notwithstanding any other provision of law except as provided in subsection (d), use up to $300,000,000 of the funding provided in section 1816 for immediate threat mitigation projects, with priority given to facilities determined to be ''high threat, high risk'' pursuant to section 1837.

(b) ALLOCATION OF FUNDING.—In allocating funding for threat mitigation projects, the Secretary shall prioritize funding for—

(1) the construction of safeguards that provide immediate security benefits;

(2) the purchasing of additional security equipment, including additional defensive weaponry;

(3) the paying of expenses of additional security forces, with an emphasis on funding United States security forces where practicable; and

(4) any other purposes necessary to mitigate immediate threats to United States personnel serving overseas.

(c) TRANSFER.—The Secretary may transfer and merge funds authorized under subsection (a) to any appropriation account of the Department of State for the purpose of carrying out the threat mitigation projects described in subsection (b).

(d) USE OF FUNDS FOR OTHER PURPOSES.—Notwithstanding the allocation requirement under subsection (a), funds subject to such requirement may be used for other authorized purposes of the Capital Security Cost Sharing Program if, not later than 15 days prior to such use, the Secretary certifies in writing to the appropriate congressional committees that—

(1) high threat, high risk facilities are being secured to the best of the United States Government's ability; and

(2) the Secretary will make funds available from the Capital Security Cost Sharing Program or other sources to address any changed security threats or risks, or new or emergent security needs, including immediate threat mitigation.

SEC. 1818. LANGUAGE TRAINING.

(a) IN GENERAL.—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.) is amended by adding at the end the following:

''SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH THREAT, HIGH RISK POSTS.

''(a) IN GENERAL.—Diplomatic security personnel assigned permanently to, or who are serving in, long-term temporary duty status as designated by the Secretary of State at a high threat, high risk post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

''(b) LANGUAGE TRAINING DESCRIBED.—Language training referred to in subsection (a) should prepare personnel described in such subsection—

''(1) to speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

''(2) to read within an adequate range of speed and with almost complete comprehension on subjects germane to security.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 annually for fiscal years 2015 and 2016 to carry out this section.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General of the Department of State and Broadcasting Board of Governors shall, at the end of fiscal years 2015 and 2016, review the language training conducted pursuant to this section and make the results of such reviews available to the Secretary and the appropriate congressional committees.

SEC. 1819. FOREIGN AFFAIRS SECURITY TRAINING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of State employees and their families deserve improved and efficient programs and facilities for high threat training and training on risk management decision processes;

(2) improved and efficient high threat, high risk training is consistent with the Benghazi Accountability Review Board (ARB) recommendation number 17;

(3) improved and efficient security training should take advantage of training synergies that already exist, like training with, or in close proximity to, Fleet Antiterrorism Security Teams (FAST), special operations forces, or other appropriate military and security assets; and

(4) the Secretary should undertake temporary measures, including leveraging the availability of existing government and private sector training facilities, to the extent appropriate to meet the critical security training requirements of the Department of State.

(b) AUTHORIZATION OF APPROPRIATIONS FOR IMMEDIATE SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—There is authorized to be appropriated for the Department of State $100,000,000 for improved immediate security training for high threat, high risk security environments, including through the utilization of government or private sector facilities to meet critical security training requirements.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—

(1) IN GENERAL.—There is authorized to be appropriated $350,000,000 for the acquisition, construction, and operation of a new Foreign Affairs Security Training Center or expanding existing government training facilities, subject to the certification requirement in paragraph (2).

(2) REQUIRED CERTIFICATION.—Not later than 15 days prior to the obligation or expenditure of any funds authorized to be appropriated pursuant to paragraph (1), the President shall certify to the appropriate congressional committees that the acquisition, construction, and operation of a new Foreign Affairs Security Training Center, or the expansion of existing government training facilities, is necessary to meet long-term security training requirements for high threat, high risk environments.

(3) EFFECT OF CERTIFICATION.—If the certification in paragraph (2) is made—

(A) up to $100,000,000 of the funds authorized to be appropriated under subsection (b) shall also be authorized for the purposes set forth in paragraph (1); or

(B) up to $100,000,000 of funds available for the acquisition, construction, or operation of Department of State facilities may be transferred and used for the purposes set forth in paragraph (1).

SEC. 1820. TRANSFER AUTHORITY.

Section 4 of the Foreign Service Buildings Act of 1926 (22 U.S.C. 295) is amended by adding at the end the following:

''(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to subsection (k), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for any other purpose related to diplomatic and consular programs on or after October 1, 2014, as the Secretary determines are necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

''(2) Any funds transferred under the authority provided in paragraph (1) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

''(k) Not later than 15 days before any transfer of funds under subsection (j), the Secretary shall notify the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.''.

PART II—CONTRACTING AND OTHER MATTERS

SEC. 1821. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.

(a) IN GENERAL.—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—

''(A) the Secretary may award contracts on the basis of best value (as determined by a cost-technical tradeoff analysis); and

''(B) proposals received from United States persons and qualified United States joint venture persons shall be evaluated by reducing the bid price by 10 percent;''.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) an explanation of the implementation of paragraph (3) of section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a); and

(2) for each instance in which an award is made pursuant to subparagraph (A) of such paragraph, as so amended, a written justification and approval, providing the basis for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

SEC. 1822. DISCIPLINARY ACTION RESULTING FROM UNSATISFACTORY LEADERSHIP IN RELATION TO A SECURITY INCIDENT.

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834 (c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking ''RECOMMENDATIONS'' and inserting the following: ''RECOMMENDATIONS.—

''(1) IN GENERAL.—Whenever''; and

(3) by inserting at the end the following:

''(2) CERTAIN SECURITY INCIDENTS.—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury, or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action. If a Board finds reasonable cause to believe that a senior official provided such unsatisfactory leadership, the Board may recommend disciplinary action subject to the procedures in paragraph (1).''.

SEC. 1823. MANAGEMENT AND STAFF ACCOUNTABILITY.

(a) AUTHORITY OF SECRETARY OF STATE.—Nothing in this subtitle or any other provision of law may be construed to prevent the Secretary from using all authorities invested in the office of Secretary to take personnel action against any employee or official of the Department of State that the Secretary determines has breached the duty of that individual or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or a serious breach of security, even if such action is the subject of an Accountability Review Board's examination under section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834(a)).

(b) ACCOUNTABILITY.—Section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in subsection (c), by inserting ''or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a),'' after ''breached the duty of that individual'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) MANAGEMENT ACCOUNTABILITY.—If a Board determines that an individual has engaged in any conduct addressed in subsection (c), the Board shall evaluate the level and effectiveness of management and oversight conducted by employees or officials in the management chain of such individual.''.

SEC. 1824. SECURITY ENHANCEMENTS FOR SOFT TARGETS.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended in the third sentence by inserting ''physical security enhancements and'' after ''Such assistance may include''.

SEC. 1825. REEMPLOYMENT OF ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan, if'' and inserting ''to facilitate the assignment of persons to high threat, high risk posts or to posts vacated by members of the Service assigned to high threat, high risk posts, if'';

(2) by amending paragraph (2) to read as follows:

''(2) The Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the incurred costs over the prior fiscal year of the total compensation and benefit payments to annuitants reemployed by the Department pursuant to this section.''; and

(3) by adding after paragraph (3) the following:

''(4) In the event that an annuitant qualified for compensation or payments pursuant to this subsection subsequently transfers to a position for which the annuitant would not qualify for a waiver under this subsection, the Secretary may no longer waive the application of subsections (a) through (d) with respect to such annuitant.

''(5) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to this subsection shall terminate on October 1, 2019.''.

PART III—EXPANSION OF THE MARINE CORPS SECURITY GUARD DETACHMENT PROGRAM

SEC. 1831. MARINE CORPS SECURITY GUARD PROGRAM.

(a) IN GENERAL.—Pursuant to the responsibility of the Secretary for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), the Secretary, in coordination with the Secretary of Defense, shall—

(1) develop and implement a plan to incorporate the additional Marine Corps Security Guard personnel authorized under section 404 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 5983 note) at United States embassies, consulates, and other facilities; and

(2) conduct an annual review of the Marine Corps Security Guard Program, including—

(A) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(B) an assessment of whether Marine Corps security guards are appropriately deployed among facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(C) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements set forth in subsection (a)(2).

PART IV—REPORTING ON THE IMPLEMENTATION OF THE ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS

SEC. 1836. DEPARTMENT OF STATE IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY THE ACCOUNTABILITY REVIEW BOARD CONVENED AFTER THE SEPTEMBER 11–12, 2012, ATTACKS ON UNITED STATES GOVERNMENT PERSONNEL IN BENGHAZI, LIBYA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an unclassified report, with a classified annex, on the implementation by the Department of State of the recommendations of the Accountability Review Board convened pursuant to title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to examine the facts and circumstances surrounding the September 11–12, 2012, killings of 4 United States Government personnel in Benghazi, Libya.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an assessment of the overall state of the Department of State's diplomatic security to respond to the evolving global threat environment, and the broader steps the Department of State is taking to improve the security of United States diplomatic personnel in the aftermath of the Accountability Review Board Report;

(2) a description of the specific steps taken by the Department of State to address each of the 29 recommendations contained in the Accountability Review Board Report, including—

(A) an assessment of whether implementation of each recommendation is ''complete'' or is still ''in progress''; and

(B) if the Secretary determines not to fully implement any of the 29 recommendations in the Accountability Review Board Report, a thorough explanation as to why such a decision was made; and

(3) an enumeration and assessment of any significant challenges that have slowed or interfered with the Department of State's implementation of the Accountability Review Board recommendations, including—

(A) a lack of funding or resources made available to the Department of State;

(B) restrictions imposed by current law that in the Secretary's judgment should be amended; and

(C) difficulties caused by a lack of coordination between the Department of State and other United States Government agencies.

SEC. 1837. DESIGNATION AND REPORTING FOR HIGH THREAT, HIGH RISK FACILITIES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives a classified report, with an unclassified summary, evaluating Department of State facilities that the Secretary determines to be ''high threat, high risk'' in accordance with subsection (c).

(b) CONTENT.—For each facility determined to be ''high threat, high risk'' pursuant to subsection (a), the report submitted under such subsection shall also include—

(1) a narrative assessment describing the security threats and risks facing posts overseas and the overall threat level to United States personnel under chief of mission authority;

(2) the number of diplomatic security personnel, Marine Corps security guards, and other Department of State personnel dedicated to providing security for United States personnel, information, and facilities;

(3) an assessment of host nation willingness and capability to provide protection in the event of a security threat or incident, pursuant to the obligations of the United States under the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and the 1961 Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961;

(4) an assessment of the quality and experience level of the team of United States senior security personnel assigned to the facility, considering collectively the assignment durations and lengths of government experience;

(5) the number of Foreign Service Officers who have received Foreign Affairs Counter Threat training;

(6) a summary of the requests made during the previous calendar year for additional resources, equipment, or personnel related to the security of the facility and the status of such requests;

(7) an assessment of the ability of United States personnel to respond to and survive a fire attack, including—

(A) whether the facility has adequate fire safety and security equipment for safe havens and safe areas; and

(B) whether the employees working at the facility have been adequately trained on the equipment available;

(8) for each new facility that is opened, a detailed description of the steps taken to provide security for the new facility, including whether a dedicated support cell was established in the Department of State to ensure proper and timely resourcing of security; and

(9) a listing of any ''high-threat, high-risk'' facilities where the Department of State and other government agencies' facilities are not collocated including—

(A) a rationale for the lack of collocation; and

(B) a description of what steps, if any, are being taken to mitigate potential security vulnerabilities associated with the lack of collocation.

(c) DETERMINATION OF HIGH THREAT, HIGH RISK FACILITY.—In determining what facilities constitute ''high threat, high risk facilities'' under this section, the Secretary shall take into account with respect to each facility whether there are—

(1) high to critical levels of political violence or terrorism;

(2) national or local governments with inadequate capacity or political will to provide appropriate protection; and

(3) in locations where there are high to critical levels of political violence or terrorism or national or local governments lack the capacity or political will to provide appropriate protection—

(A) mission physical security platforms that fall well below the Department of State's established standards; or

(B) security personnel levels that are insufficient for the circumstances.

(d) INSPECTOR GENERAL REVIEW AND REPORT.—The Inspector General for the Department of State and the Broadcasting Board of Governors shall, on an annual basis—

(1) review the determinations of the Department of State with respect to high threat, high risk facilities, including the basis for making such determinations;

(2) review contingency planning for high threat, high risk facilities and evaluate the measures in place to respond to attacks on such facilities;

(3) review the risk mitigation measures in place at high threat, high risk facilities to determine how the Department of State evaluates risk and whether the measures put in place sufficiently address the relevant risks;

(4) review early warning systems in place at high threat, high risk facilities and evaluate the measures being taken to preempt and disrupt threats to such facilities; and

(5) provide to the appropriate congressional committees an assessment of the determinations of the Department of State with respect to high threat, high risk facilities, including recommendations for additions or changes to the list of such facilities, and a report regarding the reviews and evaluations undertaken pursuant to paragraphs (1) through (4) and this paragraph.

SEC. 1838. DESIGNATION AND REPORTING FOR HIGH-RISK COUNTERINTELLIGENCE THREAT POSTS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with appropriate officials in the intelligence community and the Secretary of Defense, shall submit to the appropriate committees of Congress a report assessing the counterintelligence threat to United States diplomatic facilities in Priority 1 Counterintelligence Threat Nations, including—

(1) an assessment of the use of locally employed staff and guard forces and a listing of diplomatic facilities in Priority 1 Counterintelligence Threat Nations without controlled access areas; and

(2) recommendations for mitigating any counterintelligence threats and for any necessary facility upgrades, including costs assessment of any recommended mitigation or upgrades so recommended.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Foreign Affairs of the House of Representatives;

(F) the Permanent Select Committee on Intelligence of the House of Representatives

(G) the Committee on Armed Services of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(2) PRIORITY 1 COUNTERINTELLIGENCE THREAT NATION.—The term ''Priority 1 Counterintelligence Threat Nation'' means a country designated as such by the October 2012 National Intelligence Priorities Framework (NIPF).

SEC. 1839. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF BENGHAZI ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the progress of the Department of State in implementing the recommendations of the Benghazi Accountability Review Board.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the progress the Department of State has made in implementing each specific recommendation of the Accountability Review Board; and

(2) a description of any impediments to recommended reforms, such as budget constraints, bureaucratic obstacles within the Department or in the broader interagency community, or limitations under current law.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1840. SECURITY ENVIRONMENT THREAT LIST BRIEFINGS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and upon each subsequent update of the Security Environment Threat List (referred to in this section as the ''SETL''), the Bureau of Diplomatic Security shall provide classified briefings to the appropriate congressional committees on the SETL.

(b) CONTENT.—The briefings required under subsection (a) shall include—

(1) an overview of the SETL; and

(2) a summary assessment of the security posture of those facilities where the SETL assesses the threat environment to be most acute, including factors that informed such assessment.

PART V—ACCOUNTABILITY REVIEW BOARDS

SEC. 1841. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Accountability Review Board mechanism outlined in section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is an effective tool to collect information about and evaluate adverse incidents that occur in a world that is increasingly complex and dangerous for United States diplomatic personnel; and

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

SEC. 1842. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.

Not later than 2 days after an Accountability Review Board provides its report to the Secretary in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appropriate congressional committees for retention and review by those committees.

SEC. 1843. CHANGES TO EXISTING LAW.

(a) MEMBERSHIP.—Section 302(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4832(a)) is amended by inserting ''1 of which shall be a former Senate-confirmed Inspector General of a Federal department or agency,'' after ''4 appointed by the Secretary of State,''.

(b) STAFF.—Section 302(b)(2) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4832(b)(2)) is amended by adding at the end the following: ''Such persons shall be drawn from bureaus or other agency subunits that are not impacted by the incident that is the subject of the Board's review.''.

PART VI—OTHER MATTERS

SEC. 1845. ENHANCED QUALIFICATIONS FOR DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after section 206 (22 U.S.C. 4824) the following:

''SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.

''The individual serving as Deputy Assistant Secretary of State for High Threat, High Risk Posts shall have 1 or more of the following qualifications:

''(1) Service during the last 6 years at 1 or more posts designated as High Threat, High Risk by the Department of State at the time of service.

''(2) Previous service as the office director or deputy director of 1 or more of the following Department of State offices or successor entities carrying out substantively equivalent functions:

''(A) The Office of Mobile Security Deployments.

''(B) The Office of Special Programs and Coordination.

''(C) The Office of Overseas Protective Operations.

''(D) The Office of Physical Security Programs.

''(E) The Office of Intelligence and Threat Analysis.

''(3) Previous service as the Regional Security Officer at 2 or more overseas posts.

''(4) Other government or private sector experience substantially equivalent to service in the positions listed in paragraphs (1) through (3).''.

Subtitle B—Naval Vessel Transfers and Security Enhancement

SEC. 1851. SHORT TITLE.

This subtitle may be cited as the ''Naval Vessel Transfer and Security Enhancement Act of 2014''.

SEC. 1852. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFER BY GRANT TO GOVERNMENT OF MEXICO.—The President is authorized to transfer to the Government of Mexico on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG–38) and USS MCCLUSKY (FFG–41).

(b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG–50), USS GARY (FFG–51), USS CARR (FFG–52), and USS ELROD (FFG–55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a), (b), and (c) to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 1853. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking ''$425,000,000'' and inserting ''$500,000,000''.

SEC. 1854. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.

Section 544(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)) is amended by adding at the end the following new paragraph:

''(4) The President shall report to the appropriate congressional committees (as defined in section 656(e)) annually on the activities undertaken in the programs authorized under this subsection.''.

Subtitle C—Amendments to Arms Export Control Act to Enhance Congressional Oversight

SEC. 1861. ENHANCED CONGRESSIONAL OVERSIGHT OF FOREIGN MILITARY SALES.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

''(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.''.

SEC. 1862. LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(k) LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.—

''(1) IN GENERAL.—A license or other approval from the Department of State granted in accordance with this section may also authorize the export of items subject to the Export Administration Regulations if such items are to be used in or with defense articles controlled on the United States Munitions List.

''(2) OTHER REQUIREMENTS.—The following requirements shall apply with respect to a license or other approval to authorize the export of items subject to the Export Administration Regulations under paragraph (1):

''(A) Separate approval from the Department of Commerce shall not be required for such items if such items are approved for export under a Department of State license or other approval.

''(B) Such items subject to the Export Administration Regulations that are exported pursuant to a Department of State license or other approval would remain under the jurisdiction of the Department of Commerce with respect to any subsequent transactions.

''(C) The inclusion of the term 'subject to the EAR' or any similar term on a Department of State license or approval shall not affect the jurisdiction with respect to such items.

''(3) DEFINITION.—In this subsection, the term 'Export Administration Regulations' means—

''(A) the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

''(B) any successor regulations.''.

SEC. 1863. AMENDMENTS RELATING TO REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.

(a) REQUIREMENTS FOR REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the President shall take such actions as may be necessary to require that, at the time of export or reexport of any major defense equipment listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, the major defense equipment will not be subsequently modified so as to transform such major defense equipment into a defense article.

''(B) The President may authorize the transformation of any major defense equipment described in subparagraph (A) into a defense article if the President—

''(i) determines that such transformation is appropriate and in the national interests of the United States; and

''(ii) provides notice of such transformation to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate consistent with the notification requirements of section 36(b)(5)(A) of this Act.

''(C) In this paragraph, the term 'defense article' means an item designated by the President pursuant to subsection (a)(1).''.

(b) NOTIFICATION AND REPORTING REQUIREMENTS FOR MAJOR DEFENSE EQUIPMENT REMOVED FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as amended by this section, is further amended by adding at the end the following:

''(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

''(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

''(B) Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415).

''(C) Section 3(d)(3)(A) of this Act.

''(D) Section 25 of this Act.

''(E) Section 36(b), (c), and (d) of this Act.''.

SEC. 1864. AMENDMENT TO DEFINITION OF "SECURITY ASSISTANCE" UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

Section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)) is amended—

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

(2) by amending paragraph (2)(C) to read as follows:

''(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

''(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

''(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;''.

SEC. 1865. AMENDMENTS TO DEFINITIONS OF "DEFENSE ARTICLE" AND "DEFENSE SERVICE" UNDER THE ARMS EXPORT CONTROL ACT.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (3), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States''; and

(2) in paragraph (4), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States,''.

SEC. 1866. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(a), 3(d)(1), 3(d)(3)(A), 3(e), 5(c), 6, 21(g), 36(a), 36(b)(1), 36(b)(5)(C), 36(c)(1), 36(f), 38(f)(1), 40(f)(1), 40(g)(2)(B), 101(b), and 102(a)(2), by striking ''the Speaker of the House of Representatives and'' each place it appears and inserting ''the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and'';

(2) in section 21(i)(1) by inserting after ''the Speaker of the House of Representatives'' the following '', the Committees on Foreign Affairs and Armed Services of the House of Representatives,'';

(3) in sections 25(e), 38(f)(2), 38(j)(3), and 38(j)(4)(B), by striking ''International Relations'' each place it appears and inserting ''Foreign Affairs'';

(4) in sections 27(f) and 62(a), by inserting after ''the Speaker of the House of Representatives,'' each place it appears the following: ''the Committee on Foreign Affairs of the House of Representatives,''; and

(5) in section 73(e)(2), by striking ''the Committee on National Security and the Committee on International Relations of the House of Representatives'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

(b) OTHER TECHNICAL AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by subsection (a), is further amended—

(A) in section 38—

(i) in subsection (b)(1), by redesignating the second subparagraph (B) (as added by section 1255(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1431)) as subparagraph (C);

(ii) in subsection (g)(1)(A)—

(I) in clause (xi), by striking ''; or'' and inserting '', or''; and

(II) in clause (xii)—

(aa) by striking ''section'' and inserting ''sections''; and

(bb) by striking ''(18 U.S.C. 175b)'' and inserting ''(18 U.S.C. 175c)''; and

(iii) in subsection (j)(2), in the matter preceding subparagraph (A), by inserting ''in'' after ''to''; and

(B) in section 47(2), in the matter preceding subparagraph (A), by striking ''sec. 21(a),,'' and inserting ''section 21(a),''.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended—

(A) in subsection (b), by striking ''Wherever applicable, a description'' and inserting ''Wherever applicable, such report shall include a description''; and

(B) in subsection (d)(2)(B), by striking ''credits'' and inserting ''credits)''.

Subtitle D—Application of Certain Provisions of Export Administration Act of 1979

SEC. 1871. APPLICATION OF CERTAIN PROVISIONS OF EXPORT ADMINISTRATION ACT OF 1979.

(a) PROTECTION OF INFORMATION.—Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) has been in effect from August 20, 2001, and continues in effect on and after the date of the enactment of this Act, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and notwithstanding section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419). Section 12(c)(1) of the Export Administration Act of 1979 is a statute covered by section 552(b)(3) of title 5, United States Code.

(b) TERMINATION DATE.—Subsection (a) terminates at the end of the 4-year period beginning on the date of the enactment of this Act.

SA 3689. Mrs. FISCHER (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE II—EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Strong Families Act''

SEC. 202. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the paid family and medical leave credit is an amount equal to 25 percent of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed the lesser of—

''(A) $4,000, or

''(B) the product of the wages normally paid to such employee for each hour (or fraction thereof) of services performed for the employer and the number of hours (or fraction thereof) for which family and medical leave is taken.

For purposes of subparagraph (B), in the case of any employee who is not paid on an hourly basis, the wages of such employee shall be prorated to an hourly basis under regulations established by the Secretary, in consultation with the Secretary of Labor.

''(2) MAXIMUM AMOUNT OF LEAVE SUBJECT TO CREDIT.—The amount of family and medical leave that may be taken into account with respect to any employee under subsection (a) for any taxable year shall not exceed 12 weeks.

''(c) ELIGIBLE EMPLOYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible employer' means any employer who has in place a policy that meets the following requirements:

''(A) The policy provides—

''(i) all qualifying full-time employees with not less than 4 weeks of annual paid family and medical leave, and

''(ii) all qualifying employees who are not full-time employees with an amount of annual paid family and medical leave that bears the same ratio to 4 weeks as—

''(I) the number of hours the employee is expected to work during any week, bears to

''(II) the number of hours an equivalent qualifying full-time employee is expected to work during the week.

''(B) The policy requires that the rate of payment under the program is not less than 100 percent of the wages normally paid to such employee for services performed for the employer.

''(2) SPECIAL RULE FOR CERTAIN EMPLOYERS.—

''(A) IN GENERAL.—An added employer shall not be treated as an eligible employer unless such employer provides paid family and medical leave under a policy with a provision that states that the employer—

''(i) will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy, and

''(ii) will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

''(B) ADDED EMPLOYER; ADDED EMPLOYEE.—For purposes of this paragraph—

''(i) ADDED EMPLOYEE.—The term 'added employee' means a qualifying employee who is not covered by title I of the Family and Medical Leave Act of 1993.

''(ii) ADDED EMPLOYER.—The term 'added employer' means an eligible employer (determined without regard to this paragraph), whether or not covered by that title I, who offers paid family and medical leave to added employees.

''(3) TREATMENT OF STATE-PAID BENEFITS.—For purposes of paragraph (1), any leave which is paid by a State or local government shall not be taken into account in determining the amount of paid family and medical leave provided by the employer.

''(4) NO INFERENCE.—Nothing in this subsection shall be construed as subjecting an employer to any penalty, liability, or other consequence (other than ineligibility for the credit allowed by reason of subsection (a)) for failure to comply with the requirements of this subsection.

''(d) QUALIFYING EMPLOYEES.—For purposes of this section, the term 'qualifying employee' means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938) who has been employed by the employer for 1 year or more.

''(e) FAMILY AND MEDICAL LEAVE.—For purposes of this section, the term 'family and medical leave' means leave for any purpose described under subparagraph (A), (B), (C), (D), or (E) of paragraph (1), or paragraph (3), of section 102(a) of the Family and Medical Leave Act of 1993, whether the leave is provided under that Act or by a policy of the employer. Such term shall not include any leave provided as paid vacation leave, personal leave, or medical or sick leave (within the meaning of those 3 terms under section 102(d)(2) of that Act).

''(f) WAGES.—For purposes of this section, the term 'wages' has the meaning given such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). Such term shall not include any amount taken into account for purposes of determining any other credit allowed under this subpart.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—

''(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

''(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this subsection.''.

(b) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a).''.

(c) CREDIT ALLOWED AGAINST AMT.—Subparagraph (B) of section 38(c)(4) of the Internal Revenue Code of 1986 is amended by redesignating clauses (vii) through (ix) as clauses (vii) through (x), respectively, and by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45S,''.

(d) CONFORMING AMENDMENTS.—

(1) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) of the Internal Revenue Code of 1986 is amended by inserting ''45S(a),'' after ''45P(a),''.

(2) ELECTION TO HAVE CREDIT NOT APPLY.—Section 6501(m) of such Code is amended by inserting ''45S(g),'' after ''45H(g),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45S. Employer credit for paid family and medical leave.''.

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

SA 3690. Mr. REID (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 462, recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia; as follows:

Strike the seventh and eight whereas clauses of the preamble and insert the following:

Whereas the Khmer National Armed Forces of Cambodia facilitated the evacuation of the United States Embassy in Phnom Penh on April 12, 1975, by continuing to fight Khmer Rouge forces as the forces advanced upon the capital;

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 29, 2014, at 2:15 p.m., in room 366 of the Dirksen Senate Office Building.

The title of this hearing is ''Breaking the Logjam at BLM: Examining Ways to More Efficiently Process Permits for Energy Production on Federal Lands.'' The purpose of this hearing is to understand the obstacles in permitting more energy projects on Federal lands and to consider S. 279, the Public Land Renewable Energy Development Act of 2013, and S. 2440, the BLM Permit Processing Improvement Act of 2014, and related issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Kristen__Granier@energy.senate.gov.

For further information, please contact Jan Brunner at (202) 224–3907 or Kristen Granier at (202) 224–1219.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will to meet on July 30, 2014, at 10:15 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Paid Family Leave: The Benefits for Businesses and Working Families.''

For further information regarding this meeting, please contact Ashley Eden of the committee staff on (202) 224–9243.