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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY.)

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, in whose life we find life, open the hearts of our lawmakers to the whispers of Your Spirit. Make them productive, accomplishing Your purposes on Earth, even as Your providence guides them. Lord, redeem their failures, reward their diligence, and validate their faith. Crown their labors today with Heaven's approbation, strengthening them to rise above all that is common to do the uncommon.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MINIMUM WAGE FAIRNESS ACT—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 354.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 354, S. 2223, a bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 11 o'clock this morning, with the majority controlling the first half and the Republicans controlling the final half. At 11 a.m. there will be six cloture votes on six U.S. district court nominations. Following the votes, the Senate will recess until 2:15 to allow for our weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—S. 2262

I am told that S. 2262 is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2262) to promote energy savings in residential buildings and industry, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this bill.

The PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Mr. President, this week the Senate will begin consideration of an increase in the Federal minimum wage.

Over the next few days Members of this body will come to the floor and make their case for or against increasing the minimum wage. Most of the statements we will hear today will be in favor of it because the Republicans are not anxious to come here and speak against raising the minimum wage. They will be very silent most of the time, and they will not talk much about an increase in the minimum wage, which is so vitally important to our country.

The American people will be inundated with figures and facts regarding the economic impact of an increase to $10.10. Why was that number chosen? It was chosen because at that number—$10.10 for 40 hours—a person is no longer in poverty.

As supporters of this legislation, Senate Democrats have ample evidence to back our position that an increase in the Federal minimum wage is good for America. A recent study from the Economic Policy Institute indicates that increasing the minimum wage and tying it to inflation would raise wages for 28 million American workers. That is about 10 percent of the American people. Contrary to what Republicans would have us believe, these 28 million Americans aren't just high school kids looking to make a few bucks after school. That same analysis reported that the median age of minimum wage workers is 35 years old, proving that these employees are grown men and women, most of them with families. If we needed any more reason to pass this important legislation, the most recent polling data reveals that about 75 percent of Americans back an increase in the minimum wage.

So the evidence supporting an increase in the minimum wage is ample, and it is there for all of us to see. However, the real issue transcends political polls and studies. The heart of the minimum wage debate is not found in statistics but, rather, in a question we should ask ourselves: What kind of a country do we aspire to be?

This Nation is home to the greatest economy on Earth. Even as we continue to recover from the great recession, there is no question that we are the richest country on the planet. Can anyone in this Chamber doubt that our economy has the capability of providing livable wages to American workers? The fact that in America there are full-time working mothers and fathers who must juggle two to three jobs just to provide food and shelter for their children is unconscionable.

Before any sulking billionaire comes forward as upset and pens an op-ed in some newspaper calling me a collectivist, as they have done, let me be clear: This is a question of fairness. Do

we believe it is fair that fellow Americans who work full time be paid less than a livable wage? I hope not. Or do we value all American workers and reward them with, at the very least, a baseline wage that enables them to provide for their families?

There was a recent story in Nevada about a young man named Dalven who works at McDonald's. He works hard, but his wages are so low he is forced to get another job. Working two jobs, what is this young man going to do? Is he going to go to college? Of course not. Is he going to go to trade school? Of course not. He is too busy working. What is going to happen to him to better his life?

Just a few months ago an incredibly successful businessman visited Capitol Hill. He said he put himself through college attending Harvard, and he did that being paid $2 an hour, which was the minimum wage at the time. He now is an elderly, very successful businessman. He worked full-time over the course of the year and was able to pay Harvard's tuition. The tuition at that time was $2,400 a year—which was a lot—at one of America's premier schools. Jim even claims he had money left over after paying his college fees. Jim's daughter is now preparing to enroll at Harvard. If she were to be employed at today's minimum wage, she would need to work full time for 4 years to afford even one year of tuition and room and board at Harvard. The young man at McDonald's I just talked about, Dalven, could never dream of putting himself through Harvard or UNLV or any other place because he is working two jobs and cannot do it.

Simply put, it is not fair that working families are being stripped of the American dream. That is what Dalven has, as does everybody else, and as did the Presiding Officer and as did I—the dream to better oneself, to maybe even be better than what their family was able to be.

So, again, put simply, is it fair that working men and women are being stripped of the American dream because we refuse to pay them a livable wage? They are working hard. That is why this legislation before us is so critical.

An increase in the minimum wage obviously won't make a millionaire of anyone, but it will ensure that each full time working American receives a wage they can live on and that will give them a fighting chance to get ahead in the economy. Every hard-working American should have the opportunity to put a roof over their head and that of their family, and every full-time employee should have a fair shot at the American dream.

So I invite my Republican colleagues to consider what is fair for their constituents and to work with us to increase the Federal minimum wage, as 75 percent of the American people think we should do. They should join in giving every American a fair shot to provide for their families.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader is recognized.

CONDOLENCES TO TORNADO VICTIMS

Mr. MCCONNELL. Mr. President, I wish to take a moment to offer condolences to those affected by this week's storms. Tornadoes struck a terrible blow in several towns, and we are thinking today of all of those who were killed and injured and their friends and families as well.

JOBS

Mr. President, the American people want Congress to focus on one thing above all else: Jobs. Jobs. One would think the Democrats who control the Senate would want to help us advance bipartisan ideas to boost job creation. One would think they would actually work with us to address the concerns and anxieties of our constituents. But, instead, Senate Democrats are pushing legislation this week that would actually cost—not create but actually cost—up to a million American jobs.

This is completely tone deaf. Their bill would cost up to 17,000 jobs in Kentucky alone. Apparently, this is what Senate Democrats have made their top priority. It is not much of a surprise, though. As I have said many times, Washington Democrats often seem to hurt the very people they claim to be fighting for. When it comes to so many of their proposals, Washington Democrats appear to prioritize the desires of the far left over the needs of the middle class. Let's be honest. The interests of the far left and the interests of the middle class seem to be in fierce opposition these days.

Take the Keystone Pipeline, for example. The Obama administration recently announced yet another punt on this critical jobs project—one that would lead to the creation of thousands—literally thousands—of good jobs. Why? Because of pressure from the far left. One union leader called the administration's decision ''a cold, hard slap in the face for hard-working Americans.'' Another labor leader, whose union endorsed the President twice, put it this way: ''No one seriously believes that the administration's nearly-dark-of-night announcement . . . was anything but politically motivated. It represented,'' he said, ''another low blow to the working men and women of our country for whom the Keystone XL Pipeline is a lifeline to good jobs and to energy security. . . . ''

Here is a project the government has been studying for 5 or 6 years now. For 5 or 6 years they have been studying this project.

Americans have learned that building Keystone would produce significant economic benefit for our country, that it would lower energy prices, and that it would lead to the creation of thousands of jobs at a time when we need them more than ever. President Obama's own administration has concluded that approving Keystone would not significantly impact net carbon emissions anyway. Approving the project wouldn't have an adverse impact on carbon emissions.

So one would think Washington Democrats would join the large majority of Americans who say Keystone is a good deal for our country. One would think they would jump at the chance to advance sound policy that has already been thoroughly vetted. But, then, we would be missing the point because Democrats' opposition to Keystone isn't really about policy at all. They basically surrendered the policy argument a long time ago. That is not really what this is about for them. Remember: This is the same party that effectively conceded its agenda for the rest of this year was drafted by campaign staffers. The whole agenda for the rest of the year was drafted by campaign staffers. They said that.

So for them this is more about politics and symbolism, and the far left has apparently decided that killing Keystone is the symbolic scalp they want. In fact, they are demanding it. Washington Democrats seem perfectly willing to go along.

Of course, the big loser in all of this is the American middle class—the moms and dads and sisters and brothers whose primary concern is paying the bills and putting food on the table. These are the people who have had it worse in the Obama economy—the very people Washington Democrats should be doing literally everything to help.

What I am saying to my colleagues today is it is not too late. They can still work with Republicans to create more opportunity and to help us rebuild the middle class, but to do so they need to abandon the left and start focusing on the middle class for a change. If they are ready to get serious about job creation, then there are some easy ways to demonstrate that to the American people. For starters, they can stop pushing legislation that would cut rather than create jobs, and they can stop blocking projects such as Keystone—a project that almost everyone knows will create jobs. Americans want jobs, not symbolism. So start working with us to give the American people the kind of pro-jobs policies they want and deserve.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDMINE SCOURGE

Mr. LEAHY. Mr. President, I have spoken several times in the past few weeks—and I have spoken many times in the past 20 years—about the scourge of landmines.

They are inherently indiscriminate weapons. They are triggered by the victim, and usually the victim is an innocent civilian who is either killed or horribly maimed.

The United States has not exported, produced, or used antipersonnel mines for more than 20 years. But notwithstanding that—even though 161 nations have joined the international treaty banning them—one nation stands out for not having joined the treaty. That is the United States, and it is a shame on this country.

As the world's only superpower with by far the most powerful military, one would have thought the United States would set an example of moral leadership. Instead, we are among those who are preventing the universality of the treaty.

This is doubly disappointing, considering that it was President Clinton who, 20 years ago, called for the elimination of antipersonnel mines. Two years later, in 1996—back in the last century—he said: ''Today I am launching an international effort to ban antipersonnel landmines.'' But his administration did not sign the treaty.

Then we had the Bush administration. They did nothing on the issue.

Now we have the Obama administration. Nothing has changed. The Obama administration is following the Bush administration's policy of doing nothing. So we are still waiting.

Last week I was in Vietnam, along with Senators SHELBY and CRAPO and Representatives COOPER from Tennessee and WELCH from Vermont. We had conversations with President Sang, with the Minister of Defense, and other Vietnamese officials. But we also met with nongovernmental organizations—many of them Americans—that work to locate and clear landmines and other unexploded ordnance.

It is costly, dangerous work. They have been doing it for decades. At the current rate, when you consider that millions of landmines and bombs were dropped in Vietnam during the war, it is estimated that it will take another 100 years before it is safe to walk in that country without fear of triggering a deadly explosion.

I have met countless people in Vietnam who have been crippled and disfigured by landmines. Many of them are children the age of my grandchildren. Here is a photograph of two Vietnamese men I met last week. You can see what landmines do. My wife Marcelle and I were deeply touched when we spoke with them. After all the pain and hardship they have suffered, they were thanking us for helping to get them wheelchairs.

Their lives have been changed terribly forever, yet they are lucky because they survived. They lost their legs, their arms, but thankfully they are not among the tens of thousands who died from landmines during that war and in the decades since the war ended.

In Vietnam, we have used the Leahy War Victims Fund to provide medical care and rehabilitation to thousands of mine victims.

As a Democrat, I want to compliment a Republican President, George H.W. Bush, who worked with me and with the inspired founder of the Vietnam Veterans of America Foundation, Bobby Muller, to start using the Leahy War Victims Fund in Vietnam.

We have spent many millions of dollars to help get rid of the mines. As I said earlier, 40 years after the war, there are still vast areas of Vietnam littered with unexploded mines and bombs.

Yet Vietnam is only one of dozens of countries whose people have been terrorized by landmines—some from our country, some from others.

When you talk to the Department of Defense about this, they say their mines are ''smart'' because they are designed to deactivate after a finite period of time. Of course, that is better than mines that remain active for years. But if a child steps on one before the time they are deactivated, that child does not know whether this is a smart mine or a dumb mine because as long as they are active, they are no better at distinguishing between a child and a soldier.

I remember the young woman I met in a hospital after the Bosnia war. She was sent away by her parents to be safe during that conflict. But when the war ended she was running down the road to greet her parents and had both legs blown off. The war was over, but it never ended for her.

I have never argued that mines have no military utility. Every weapon does. So does poison gas, so do IEDs. But we would not use them, and we consider it immoral for other people to use them. They are the antithesis of a precision weapon. They do not belong in the arsenal of civilized countries, least of all in the United States. The United States ought to have courage enough to sign the landmine treaty.

You have to wonder, if Pennsylvania or Oklahoma or Utah or Georgia or Vermont or New Jersey or any of our 50 States were littered with landmines, killing and maiming innocent Americans, would we tolerate it? Of course not. We would not make excuses about needing to use these weapons. The outcry would be deafening and the United States would join the treaty, as we should have 15 years ago.

Some might ask why this matters. The United States has not used mines for two decades, even while we fought two long land wars. That is because the political price of using them—particularly in Afghanistan where more innocent civilians have been killed or injured from landmines than perhaps anywhere else—would have been prohibitive.

It matters because, like any other issue, even when the United States is not part of the problem, we have to be part of the solution. We ought to set an example on this. We ought to be strong enough to do what 161 other countries have done and join the treaty.

I have spoken to President Obama about this. I know he shares my concern about the toll of innocent lives from landmines. As a Senator, he cosponsored my legislation. So did Secretary Hagel.

This is an unfinished job. It began with President Clinton. It is time to put the United States on a path to join the treaty. Only the Commander in Chief can do that. The world cries out to him to show that kind of moral leadership.

EGYPT

Mr. LEAHY. Mr. President, events in Egypt continue to concern people of good will in this country and across the globe, who have shared the Egyptian people's yearning for greater freedom under the rule of law.

I am the chairman of the Appropriations Subcommittee that funds the State Department and foreign operations.

But even if I were not chairman of that subcommittee, I would have been watching the situation in Egypt with great interest and growing dismay, where hundreds of people are sentenced to death after a sham trial lasting barely an hour. It is appalling to see this flouting of human rights and abuse of the justice system, which are fundamental to any democracy. Nobody—nobody—can justify this. It does not show a commitment to democracy. It shows a dictatorship run amok. It is an egregious violation of human rights.

So I am not prepared to sign off on the delivery of additional aid for the Egyptian military. I am not prepared to do that until we see convincing evidence the government is committed to the rule of law.

We cannot stand here and say: We are troubled by hundreds of people being sentenced to death after a few minutes in a mass trial, but since we have been friends for so long we will go ahead and send you hundreds of millions of dollars in aid. No.

I do not think the taxpayers of this country would condone that, and neither do I.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRABTREE NOMINATION

Mr. MORAN. Mr. President, I wish to speak for a few moments on the Senate floor. We are working our way through a number of confirmations relating to Federal district judges across the country. One of them is the potential Federal district judge for my State of Kansas. I rise to speak in support of one of those individuals who will be considered by the Senate this week, Daniel Crabtree. He was nominated by the President to be a U.S. district court judge for the District of Kansas.

I want to attest to my colleagues my view that he is a gentleman who should be confirmed by the Senate. He was reported out of the Judiciary Committee without opposition and is rated unanimously ''well qualified'' by the American Bar Association, which, in part, confirms my view that he would make an outstanding Federal judge.

I actually have known this individual for more than 30 years, dating back to our days at the University of Kansas School of Law, where he was 1 year ahead of me in law school. I have followed his personal and professional development since that time. We have remained acquainted, we have been friends, and for a short period of time we practiced law at the same firm in downtown Kansas City. He is worthy of our support today, but he is also someone who has my respect and admiration.

After graduating from the University of Kansas School of Law, Dan Crabtree became an associate and ultimately became a partner at the downtown Kansas City law firm then called Stinson, Mag & Fizzell. He became a partner in 1988. The firm merged into a firm called Stinson Morrison Hecker in 2002.

He is a litigator with extensive experience in the Federal and State courts, and he received recognition by the publication ''Best Lawyers'' in Kansas City as the Antitrust Lawyer of the Year in 2013. In 2014 he was the Kansas City Banking and Finance Litigation Lawyer of the Year. Again, this is outside confirmation of his qualifications and capabilities.

Dan is a lifelong resident of our State. He grew up in Kansas City, KS, the suburbs of Kansas City, MO, on the Kansas side of the line. He and his wife Maureen and their teenager daughter continue to live in Kansas City, KS, today.

I have often spoken on the Senate floor about the special way of life we have in our State, and Dan Crabtree, in his hometown of Kansas City, KS, exemplifies what I so often admire, respect, and speak of on the Senate floor about his humility, his devotion to others, his relationship with his community, and how important it is to him to be an active member in trying to make life better for other people, those who are his neighbors and those who surround him in Kansas City and Kansas, our State. He has those characteristics of a Kansan.

I have often known people who have been very successful in their professional lives, who have succeeded, for example, in law school, gone on to a large prestigious firm, and in many instances it seems as if they forgot where they came from. Dan continues to live in his hometown and continues to work to make certain that good things happen in that community. He does that with a great sense of humility. While he has the attributes that could cause him to be superior in his attitude toward others, Dan is humble, caring, and compassionate. His pride in where he comes from is evidenced by a devotion to many community activities—the Community Foundation of Wyandotte County and the Greater Kansas City Community Foundation. He sits on the board of directors for the Kansas City Sports Commission, and he is responsible in part for bringing 14 NCAA championships to Kansas City over the past few years.

All of this encompasses who Dan is. He is a husband, a father, a lawyer, and a community leader. He is exemplary in fulfilling each of those roles. Mostly, I want to say that his character, integrity, and professional achievements are worthy of being a member of the Federal bench. In fact, I can think of few others whom I have met in my time as a Senator but also my time as a practicing attorney in Kansas City who would fulfill the solemn duties of this position better than Dan Crabtree.

I thank the President for nominating Dan Crabtree, and I ask my colleagues to join me in swiftly confirming him as a judge for the U.S. District Court for the District of Kansas.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE MINIMUM WAGE

Mr. THUNE. I come to the floor to discuss the proposed minimum wage hike and the jobs it will cost Americans.

With more than 10 million Americans unemployed, the last thing this body should be doing is considering legislation that would jeopardize jobs. Yet this week we are back in session with another one of the Democrats' election-year gimmicks: a 40-percent minimum wage hike that the Congressional Budget Office estimates would result in a loss of up to 1 million jobs in this country.

Minimum wage hikes are a favorite Democratic proposal when economic times are tough and election-year prospects are dim. Hiking wages sounds good, after all, and Democrats figure it is a sure-fire way to appeal to Americans. But the truth is that when the consequences of a minimum wage hike are explained to them, Americans don't want it. Why is that? Because Americans want jobs. A minimum wage hike during such a weak economic recovery wouldn't result in job gains; it would result in job losses. It is simple: When you make something more expensive, people can afford less of it. When you drive up the cost of hiring workers, employers can't afford to hire as many of them, especially when you consider that many of those who employ minimum wage workers are small business owners.

Democrats are proposing a 40-percent hike in an economy in which unemployment is already high and job growth is already weak—in other words, a massive minimum wage hike under the worst possible conditions.

It should surprise no one that the Congressional Budget Office has estimated this hike could cost up to 1 million jobs. Who would be hurt by most by these lost jobs? Women, for one. The Congressional Budget Office estimates that 57 percent of the roughly half a million jobs that would be lost by the end of 2016 thanks to this bill would be jobs that are held by women. Young people would also be hit particularly hard. Our economy's overall unemployment rate is not good, but the unemployment rate for 16- to 24-year-olds is even worse—more than twice the national average. The unemployment rate for African Americans between 16 and 24 is still worse than that—a staggering 23.6 percent, almost four times the national average.

Duquesne University economist Antony Davies estimates that the Democrats' proposed minimum wage increase would hike unemployment for those under 25 years old without a high school diploma by 7 to 10 percent. If you are somebody who really needs a job—people under 25 years old without a diploma—the unemployment rate, which is already staggeringly high, could go up by 7 to 10 percent according to a Duquesne University economist.

Finally, the Democrats' proposed minimum wage hike would harm the lowest income and lowest skilled workers—in other words, the very people it is supposed to help. When businesses are faced with the reality of higher employment costs from a minimum wage hike, who are they going to let go? Low skilled workers, the same workers who are most likely to be making the minimum wage.

In a March 2014 survey of businesses currently employing minimum wage workers, 38 percent reported they would have to let some employees go to cover the cost of the minimum wage hike, while 54 percent reported they would reduce their hiring.

In South Dakota small business owners told me the same thing at a recent roundtable I held in my State. Multiple Main Street business owners told me they would stop hiring younger, less experienced workers and/or reduce the hours of their current employees. Others spoke of the devastating impact the

cost increases would have on their businesses. One gentleman who employs 30 workers at a Dairy Queen in South Dakota told me that a $3 increase in the minimum wage would cost his business an additional $100,000 per year. That is a huge amount for a small business in a rural area of South Dakota. To deal with these costs, this owner, like so many other small business owners around the country, is going to be forced to hike prices on the products he offers, and that will affect individuals and families in South Dakota and across the country.

Middle-class families have already seen their incomes fall by nearly $3,500 on this President's watch. The Congressional Budget Office makes clear that a minimum wage hike will mean their purchasing power will be even further reduced and eroded.

The evidence is clear: Minimum wage hikes cost jobs. When informed that they cost jobs, the strong majority of Americans reject these hikes, but unfortunately Democrats have a habit of ignoring both the evidence and the American people.

Take ObamaCare. Democrats jammed the bill through Congress on a party-line vote over the objections of the American people and despite plenty of evidence to suggest that ObamaCare wouldn't work. But, committed to their liberal fantasy of successful government-run health care, they ignored all the evidence to the contrary and forced the bill through. The American people are suffering as a result—canceled health care plans, lost doctors and hospitals, higher prices, fewer choices, and reduced access to medications. The list goes on and on.

Last week the fifth annual U.S. Bank Small Business Survey reported that businesses now rank health care as their No. 1 concern. More than 60 percent of them, quoting from the survey, ''now say the long-term impact of the Affordable Care Act will be negative on their business.''

Another article over the weekend reported that ''health insurers are preparing to raise rates next year for plans issued under the Affordable Care Act.''

Still another article from The Hill newspaper on Saturday stated that Democrats in competitive elections generally regard ObamaCare as a four-letter word, with many of their campaign Web sites omitting any reference to the law.

Democrats know ObamaCare has failed, but instead of trying to replace the law, they are just trying to distract with more bad policies that make it even harder to create jobs in this country.

American families are hurting. They need jobs—steady, good-paying jobs. Yet Democrats are ignoring this priority in favor of liberal pet projects that pander to their political base.

There is a clear contrast developing in the Senate: Democrats are offering distractions and Republicans are offering proposals that would spur job creation, increase opportunity, and help middle-class families, proposals such as Senator HOEVEN's bill to force approval of the Keystone Pipeline and the 42,000 jobs the President's own State Department says it would support.

There is Senator COLLINS' proposal to amend the ObamaCare 30-hour workweek provision that is causing employers to cut hours.

We have the proposal from Senators HATCH, TOOMEY, and COATS to repeal ObamaCare's tax on lifesaving medical devices such as pacemakers and insulin pumps—a tax that has already negatively affected tens of thousands of jobs in this industry and stands ready to damage many more.

Then there is Senator PORTMAN's bill to require executive branch agencies to conduct a cost-benefit analysis of new regulations so that fewer burdensome, job-killing regulations emerge from the administration.

There are bills from Senator LEE, Senator MCCONNELL, and Senator AYOTTE to give working parents more flexibility in the workplace so that they can make it to more soccer games and more dance recitals while maintaining steady jobs.

Senator RUBIO has a bill to amend the National Labor Relations Act to allow employers to give raises to deserving employees.

Then there is my own to help long-term unemployed workers by providing them with a one-time low-interest loan of up to $10,000 to start a new job or to relocate to a State or metropolitan area with lower unemployment.

The PRESIDING OFFICER (Mr. SCHATZ). The time of the Senator has expired.

Mr. THUNE. Those are the issues on which we should be focused. I hope we will start—and start creating jobs and opportunities for the American people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sheryl H. Lipman, of Tennessee, to be United States District Judge for the Western District of Tennessee.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Christopher A. Coons, Jack Reed, John D. Rockefeller IV, Carl Levin, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

Mr. LEAHY. Mr. President, today, we will vote to end filibusters on the nominations of Sheryl Lipman to the U.S. District Court for the Western District of Tennessee, Stanley Bastian to the U.S. District Court for the Eastern District of Washington, Manish Shah to a judicial emergency vacancy on the U.S. District Court for the Northern District of Illinois, Daniel Crabtree to the U.S. District Court for the District of Kansas, Judge Cynthia Bashant to the U.S. District Court for the Southern District of California, and Judge Jon Levy to the U.S. District Court for the District of Maine. These are just 6 of the 31 judicial nominees currently pending on the Senate Floor.

Every single one of these nominees was voted out of the Judiciary Committee with bipartisan support and every single one of these nominees has the support of their home State Senators. Nevertheless, we are once again being forced to follow the costly ritual of filing and voting on cloture for noncontroversial nominees and wasting valuable floor time repeating this exercise. Meanwhile, it is our Federal Judiciary and the American people who suffer from these delays.

I recently heard remarks from the Minority Leader claiming that ''many of these nominees would have been confirmed last December had we not'' instituted the rules change. This statement is simply belied by the facts. Senate Republicans have obstructed and slowed the nominations process throughout this President's entire tenure—in both his first and second terms. At the end of each calendar year, Senate Republicans deliberately refuse to vote on several judicial nominees who could and should be confirmed in order to consume additional time the following year confirming these nominees. This has happened at the conclusion of every single year of the Obama presidency.

At the end of 2009, they left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other 8. This resulted in the lowest 1-year confirmation total in at least 35 years. In 2010 and 2011, Senate Republicans left 19 nominations on the Senate Executive Calendar at the end of each year. It then took nearly half the following year for the Senate to confirm these nominees. In 2012, Senate Republicans left 11 judicial nominees without action and another four had hearings but Republicans refused to expedite their consideration. In 2013, Senate Republicans left 9 nominations on the Executive Calendar. Another 15 judicial

nominees could have been reported to the full Senate and confirmed by the end of last year, but Senate Republicans blocked the Judiciary Committee's ability to meet to report these nominees to the full Senate. So, the idea that the rules change has somehow triggered Republican obstruction is simply not true. This has been a persistent and coordinated effort since the very beginning of the Obama presidency, and the rules change was an attempt to overcome some of these tactics of delay and obstruction.

I have also seen reports lately that President Obama is now outpacing President George W. Bush in terms of judicial nominees confirmed at the same point in their presidencies. It is true that at this point in their respective presidencies, President Bush had 232 nominees confirmed while this President has had 235 nominees confirmed. This is certainly welcome news.

I would note, however, that this statistic paints a very incomplete picture of what needs to be done. Although there have been slightly more nominees confirmed, the vacancies are much higher at this point in this president's tenure than in President Bush's tenure. In April 2006, there were only 54 vacancies in the Federal judiciary. In stark contrast, as of April 2014, there are currently 85 vacancies in the Federal judiciary—31 vacancies more than existed at the same point in President Bush's tenure.

The comparison is even more troubling when you consider the 31 judicial nominees currently pending on the Executive Calendar. We could lower the number of judicial vacancies today to 54 if Senate Republicans would consent to voting on all of the pending nominees. We have not had fewer than 60 vacancies since February 2009, at the beginning of President Obama's first term. And for most of President Obama's tenure in office, judicial vacancies have continued to hover around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on these nominations.

These 6 nominees for whom we are voting to invoke cloture on today were nominated last August and September. It is about time that we held a vote on their nominations. All 6 nominees are well qualified and we should end these filibusters and confirm them as soon as possible.

Sheryl Lipman has served as University Counsel to the University of Memphis since 2002, where she has also served as interim chief of staff to the president of the university and senior attorney. Prior to her work for the University of Memphis, she worked for nearly a decade in private practice at various law firms. Following her graduation from law school, she served as a law clerk to Judge Julia Gibbons of the U.S. District Court for the Western District of Tennessee. Ms. Lipman has the support of her home State Republican Senators, Senator CORKER and Senator ALEXANDER. The Judiciary Committee reported her unanimously by voice vote to the full Senate on January 16, 2014.

Stanley Bastian has worked in private practice for over 15 years and currently serves as a managing partner at the law firm Jeffers, Danielson, Sonn & Aylward, P.S. From 1985 to 1988, he served as an Assistant City Attorney in the Seattle City Attorney's Office, from 1984 to 1985 he served as a law clerk to Judge Ward Williams of the Washington State Court of Appeals Division I. Mr. Bastian previously served as the president of the Washington State Bar Association. He has the support of his home State Senators, Senator MURRAY and Senator CANTWELL. The ABA Standing Committee on the Federal Judiciary unanimously rated him ''well qualified'' to serve on the U.S. District Court for the Eastern District of Washington, its highest rating. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014.

Manish Shah has served in the United States Attorney's Office for the Northern District of Illinois since 2001. He has served as the chief of the Criminal Division since 2012, and previously served as the chief of Criminal Appeals, deputy chief of Financial Crimes & Special Prosecutions, and deputy chief of General Crimes. He also served as a law clerk to Judge James Zagel of the U.S. District Court for the Northern District of Illinois from 1999 to 2001. Mr. Shah was awarded the Federal Bureau of Investigation Director's Award for Outstanding Criminal Investigation in 2008 and the Executive Office for U.S. Attorneys Director's Award for Superior Performance by a Litigative Team in 2007. He earned his B.A. with honors and distinction from Stanford University in 1994. He earned his J.D. with honors from the University of Chicago Law School in 1998. He has the bipartisan support of his home State Senators, Senator DURBIN and Senator KIRK. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014. If confirmed, he would be the first South Asian judge to serve on a Federal court in Illinois.

Daniel Crabtree has worked as a partner at Stinson, Morrison, Hecker, LLP since 2002. He previously worked in private practice for 21 years at Stinson, Mag & Fizzel. He has also served as the general counsel for the Kansas City Royals Baseball Club and Walsworth Publishing Company since 2008. In private practice, he has provided pro bono legal services through the Volunteer Attorney Project of the Legal Aid Office of the Western District of Missouri. Mr. Crabtree has the support of his Republican home State Senators, Senator MORAN and Senator ROBERTS. The ABA Standing Committee on the Federal Judiciary unanimously rated him ''well qualified'' to serve on the U.S. District Court for the District of Kansas. The Judiciary Committee reported him unanimously by voice vote to the full Senate on January 16, 2014.

Judge Cynthia Bashant has served as a California State judge in San Diego Superior Court since 2000, and for 3 years as the court's presiding judge, 2010–2013. During her 13 years on the bench, she has presided over approximately 100 jury trials and over 1,000 bench trials. Prior to her judicial service, she served as an assistant U.S. attorney in the Southern District of California, 1989–2000, and worked in private practice at Baker and McKenzie (1988–1989) and at McDonald Halsted and Laybourne, 1986–1988. In private practice, she provided pro bono legal services to the San Diego Volunteer Lawyers Program and the American Civil Liberties Union. While serving as an assistant U.S. attorney, she received six Special Commendations for Outstanding Performance. Judge Bashant has the support of her home State Senators, Senator FEINSTEIN and Senator BOXER. The Judiciary Committee reported her unanimously by voice vote to the full Senate on January 16, 2014.

Justice Jon Levy has served as an associate justice on the Maine Supreme Judicial Court since 2002. He previously served as a state judge in York, ME, as chief judge, 2001–2002, deputy chief judge, 2000–2001, and as a district court judge for Maine's Tenth Judicial District (1995–2000). Prior to his judicial service, he worked in private practice for more than a decade. He previously served as a special monitor in the U.S. District Court for the Southern District of Texas, 1981–1982. After graduating from law school, he served as a law clerk to Judge John Copenhaver, Jr., of the U.S. District Court for the Southern District of West Virginia, 1979–1981. He is a member of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. As a leader in the Maine Justice Action Group, he has promoted pro bono involvement throughout Maine's legal community. Justice Levy has the bipartisan support of his home State Senators, Senator KING and Senator COLLINS. The Judiciary Committee reported his nomination favorably with bipartisan support to the full Senate on January 16, 2014.

I thank the majority leader for filing cloture petitions to end the filibusters of these much needed judges. I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Sheryl H. Lipman, of Tennessee, to be United States District Judge for the Western District of Tennessee, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—58

Alexander	Hagan	Murray
Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Coons	Markey	Walsh
Corker	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murphy	

NAYS—39

Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Hoeven	Roberts
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Toomey
Enzi	Lee	Vitter
Fischer	McCain	Wicker

NOT VOTING—3

Boozman	Pryor	Rubio

The PRESIDING OFFICER. On this vote the yeas are 58 and the nays are 39. The motion to invoke cloture is agreed to.

The majority leader is recognized.

Mr. REID. We have five more votes. At the end of 10 minutes, with the 5-minute kicker on each of these votes, we should close the vote no matter who is not here. We have a lot to do today. We have two caucuses that should start at 12:30, and so we will have to rush through these as quickly as we can.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Bastian nomination.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to speak about the excellent nominee we are considering to be U.S. district judge for the Eastern District of Washington, Stan Bastian.

In my home State of Washington we have a bipartisan judicial selection process that allows us to recommend nominees who are supported by Republicans and Democrats alike, and while we don't always agree on every nominee, that process has served our State well for a long time. As the Senate votes today on the nomination of Mr. Bastian, I would like to inform my colleagues that during the bipartisan process to select him, his support was unanimous. That means every Republican and every Democrat who helps select judicial nominees in our State supports Mr. Bastian on the Federal bench. In today's political atmosphere, that is the strongest endorsement I can think of.

He has nearly 30 years of litigation experience. He is a fellow in the American College of Trial Lawyers. He is the chairman of the Equal Justice Coalition, and throughout his career he has served the Washington bar, first as a member of the board of governors and eventually as president. He has practiced in both State and Federal courts, tried hundreds of cases, including civil and criminal cases and jury and bench trials.

Our system of government is at its best when good people step up to the plate and are willing to serve. Throughout his legal career Stan Bastian has done just that. So I am here to express my support and urge our colleagues to do the same.

Thank you. I yield the floor.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Stanley Allen Bastian, of Washington, to be United States District Judge for the Eastern District of Washington.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Robert P. Casey, Christopher A. Coons, John D. Rockefeller IV, Carl Levin, Maria Cantwell, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stanley Allen Bastian, of Washington, to be United States District Judge for the Eastern District of Washington, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—55

Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

NAYS—41

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kirk	Vitter
Cruz	Lee	Wicker
Enzi	McCain	

NOT VOTING—4

Boozman	Pryor
Levin	Rubio

The PRESIDING OFFICER. On the motion to invoke cloture, the yeas are 55, the nays are 41. The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Shah nomination.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time be yielded back on the remaining pending nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Manish S. Shah, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Robert P. Casey, Jr., Christopher A. Coons, John D. Rockefeller

IV, Carl Levin, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Manish S. Shah, of Illinois, to be United States District Judge for the Northern District of Illinois, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—57

Baldwin	Harkin	Murphy
Begich	Heinrich	Murray
Bennet	Heitkamp	Nelson
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Kirk	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Leahy	Stabenow
Collins	Levin	Tester
Coons	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCaskill	Walsh
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murkowski	Wyden

NAYS—40

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Toomey
Cornyn	Johnson (WI)	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—3

Boozman	Pryor	Rubio

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Daniel D. Crabtree, of Kansas, to be United States District Judge for the District of Kansas.

Harry Reid, Patrick J. Leahy, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Richard J. Durbin, Christopher A. Coons, Jack Reed, John D. Rockefeller IV, Carl Levin, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall, Angus S. King, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Daniel D. Crabtree, of Kansas, to be United States District Judge for the District of Kansas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—57

Baldwin	Heinrich	Murray
Begich	Heitkamp	Nelson
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Booker	Kaine	Roberts
Boxer	King	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Landrieu	Schatz
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Collins	Manchin	Stabenow
Coons	Markey	Tester
Donnelly	McCaskill	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Walsh
Franken	Mikulski	Warner
Gillibrand	Moran	Warren
Hagan	Murkowski	Whitehouse
Harkin	Murphy	Wyden

NAYS—39

Alexander	Enzi	Lee
Ayotte	Fischer	McCain
Barrasso	Flake	McConnell
Blunt	Graham	Paul
Burr	Grassley	Portman
Chambliss	Hatch	Risch
Coats	Heller	Scott
Coburn	Hoeven	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Toomey
Crapo	Johnson (WI)	Vitter
Cruz	Kirk	Wicker

NOT VOTING—4

Boozman	Pryor
Brown	Rubio

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 39. The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cynthia Ann Bashant, of California, to be United States District Judge for the Southern District of California.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Pryor, Mark Begich, Robert Menendez, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cynthia Ann Bashant, of California, to be United States District Judge for the Southern District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Florida (Mr. RUBIO) and the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—56

Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Walsh
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden
Hagan	Murphy	

NAYS—41

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kirk	Vitter
Cruz	Lee	Wicker
Enzi	McCain	

NOT VOTING—3

Boozman	Pryor	Rubio

The PRESIDING OFFICER. On this vote the yeas are 56 and the nays are

41. The motion is agreed to. The majority leader.

Mr. REID. This will be the last vote this morning.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state:

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jon David Levy, of Maine, to be United States District Judge for the District of Maine.

Harry Reid, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kirsten E. Gillibrand, Brian Schatz, Heidi Heitkamp, Martin Heinrich, Tammy Baldwin, Debbie Stabenow, Mazie K. Hirono, Barbara Boxer, Dianne Feinstein, Angus S. King, Jr., Tim Kaine, Sheldon Whitehouse, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jon David Levy, of Maine, to be United States District Court Judge for the District of Maine, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 34, as follows:

[Rollcall Vote No. 116 Ex.]

YEAS—63

Ayotte	Harkin	Murkowski
Baldwin	Heinrich	Murphy
Begich	Heitkamp	Murray
Bennet	Heller	Nelson
Blumenthal	Hirono	Paul
Booker	Hoeven	Reed
Boxer	Isakson	Reid
Brown	Johnson (SD)	Rockefeller
Cantwell	Kaine	Sanders
Cardin	King	Schatz
Carper	Kirk	Schumer
Casey	Klobuchar	Shaheen
Collins	Landrieu	Stabenow
Coons	Leahy	Tester
Donnelly	Levin	Udall (CO)
Durbin	Manchin	Udall (NM)
Feinstein	Markey	Walsh
Flake	McCaskill	Warner
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Hagan	Mikulski	Wyden

NAYS—34

Alexander	Coburn	Enzi
Barrasso	Cochran	Fischer
Blunt	Corker	Graham
Burr	Cornyn	Grassley
Chambliss	Crapo	Hatch
Coats	Cruz	Inhofe
Johanns	Portman	Thune
Johnson (WI)	Risch	Toomey
Lee	Roberts	Vitter
McCain	Scott	Wicker
McConnell	Sessions	
Moran	Shelby	

NOT VOTING—3

Boozman	Pryor	Rubio

The PRESIDING OFFICER. On this vote the yeas are 63, the nays are 34. The motion to invoke cloture is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Mississippi.

Mr. WICKER. Madam President, I wish to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSISSIPPI STORMS

Mr. WICKER. Madam President, I simply want to take a moment to say a few words about the devastating storms that swept through my home State of Mississippi yesterday.

My prayers are with the families of those who lost their lives, those who were injured, and the communities across the State that are now hard at work to pick up the pieces.

We are grateful for local officials, weather forecasters, and first responders who saved lives by getting the word out that people should seek shelter from the storm. This is government at its best, when State, local, and Federal forces, alongside the news media and private businesses, work together to keep people out of harm's way. There is no doubt this cooperation and communication saved hundreds of lives across the South yesterday. Both will be instrumental in preparing for additional storms in the forecast today.

Mississippians are known for being resilient in the wake of tragedy. We have overcome unprecedented challenges in the past, and we will do so again. Nature's wrath may be fierce but the spirit of fellowship and perseverance of my fellow Mississippians—as well as all Americans—will move us forward.

I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:58 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MINIMUM WAGE FAIRNESS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:30 p.m. will be under the control of the majority.

The Senator from Iowa.

Mr. HARKIN. Madam President, we are now debating legislation that will be up for a vote tomorrow. It will be a cloture vote on bringing a minimum wage increase bill to the floor.

Let's be clear about this. It is a cloture vote. This means it is going to take 60 votes, and that will happen tomorrow. I assume most of the day we will be discussing that. I hope so. I know others have come to the floor previously to discuss this.

As the chairman of the committee and as the chief sponsor of this bill, I intend to be back on the floor later today to respond to some of the allegations made by Senators on the other side of the aisle regarding this bill and minimum wage as a concept, but I wish to take a few minutes to sort of set the stage for this legislation and what it is going to mean for our economy and for working Americans.

What I would say at the outset is that the minimum wage bill is about a lot of things: It is going to give an economic boost. It will increase the GDP of our country. It will do a lot of good economically for our society, but basically it is about economic fairness. It is about what kind of society we want America to be.

Keep in mind, the Fair Labor Standards Act which set the minimum wage was passed at the end of the Depression, 1939, when we were still in the Depression, and it was immediately to give a raise in wages to hard-working Americans. That is what it did.

Since that time, actually on both sides of the aisle, we have raised the minimum wage a number of times. This is just another step in making sure that those at the bottom of the economic ladder in America also get a hand up, to get help to make sure they too have a fair shot at the American dream.

So that is what this minimum wage bill is truly about. It is about core American values; the value that no one who works full time all year long should live in poverty. That is what this is about.

The fact is the value of the minimum wage has eroded so much over the last few years that the minimum wage right now is way below poverty. In other words, someone can work full time every day, all year long, and they are still in poverty. But they are working every day. That is not fair. The American value system is one that if someone puts in their work and works hard, they ought not to be living in poverty.

Right now, tens of millions of Americans are struggling just to keep a roof over their heads, to pay the heating bill, to find some money for an extra pair of shoes for a growing child, even getting money together to take the bus to work. Think about this: A minimum wage worker's paycheck has stayed the same since 2009. This chart illustrates what has happened.

If we go back to 2009, the minimum wage has increased zero percent. But

look what has gone up: Electricity has gone up 4.2 percent; rent, 7.3 percent; auto repairs, 7.6 percent; food at home, 8.8 percent. This is since 2009. Childcare has gone up 11.7 percent. Mass transit, which is how people who make minimum wage get back and forth to work, has gone up 17.8 percent since 2009. Yet their paycheck has not gone up.

What does this chart tell us? This tells us that people making minimum wage are falling further and further behind because these are things that low-income Americans have to spend money on: lights, rent, fixing up their old car, food, childcare, and mass transit. Look how much they have gone up. Yet the minimum wage has stayed the same. That is why this is a value issue.

When people who work hard and play by the rules have to rely upon food stamps and food banks to feed their children and the minimum wage has them trapped in poverty, it is unacceptable. It is un-American. It is not what our Nation is about.

So Americans deserve a raise. That is why this bill raises it from $7.25 to $10.10 an hour in three annual steps. It will link the minimum wage to the cost of living in the future. In other words, we index it for the future so we don't have this prospect that as other things increase in price, the minimum wage stays the same. It is time to index it in the future.

Our bill also provides for a raise for tipped workers—the people who serve your food, push the wheelchairs at the airports, and park cars. Every time I tell somebody this, they tell me I can't be right; I must be mistaken. I tell them the tipped wage today is $2.13 an hour, and it has been that way since 1991. Not a 1-cent increase since 1991. People find that hard to believe. It is hard to believe, but it is very true.

So our bill would increase tipped wages from $2.13 an hour up to 70 percent of the minimum wage over a 6-year period of time, the first increase in tipped wages in 23 years.

An increase in the minimum wage benefits everyone. Twenty-eight million workers will get a raise—15 million are women, so over 50 percent of the increase—4 million African-American workers; 7 million Hispanic workers; and 7 million parents will get a raise. And we forget about this. How about our kids? Fourteen million kids will benefit from a minimum wage increase. That means their families will get an increase in the minimum wage. This benefits the kids. So think about the children in America. They are going to get a raise too.

Again, raising the minimum wage helps our families and it helps our economy. This is why we had a press conference this morning with a group called Business for a Fair Minimum Wage. One thousand businesses across the country representing every State in our Nation have signed on saying: Yes, we need to increase the minimum wage to at least $10.10 an hour. They understand and Main Street businesses understand this.

If we increase the minimum wage for people in the community, they are not running off to Paris, France, to spend the money. They are going to spend that money on Main Street, and that helps our small businesses. This is why so many small businesses get it. They understand that if we raise the minimum wage, that helps them. That helps the local economy on Main Street.

The Economic Policy Institute estimates that our minimum wage bill will put $35 billion in the hands of millions of workers, and that money will be spent on Main Street. It will pump an additional $22 billion into our GDP, supporting 85,000 new jobs as the raise is phased in over 3 years.

There is another issue I think we need to address, and that is what happens with low-wage workers and how they do sustain themselves. They are in poverty from the minimum wage. So what do they rely on? They rely on food stamps, Medicaid or the Children's Health Insurance Program. They rely upon the earned-income tax credit and the Temporary Assistance for Needy Families Program. That costs taxpayers in America $243 billion a year.

Again, I am not saying that by increasing the minimum wage we are going to knock that down to zero. I can't say that, but what I can say is that a study was done just on food stamps, and if we raise the minimum wage, in the first year we will save $4.6 billion in taxpayers' money because people will now have enough money to go out and buy their own food. They will not rely on food stamps.

A lot of these other things will be cut back too, such as TANF and Medicaid or CHIP. I can't say how much, but people understand that this is what we are paying as taxpayers to support a minimum wage below the poverty line.

Again, people understand how important this minimum wage is. That is why it is so broadly supported by such a cross-section of American people.

Here is a poll that has been done. A USA Today and Pew Research Center poll this year indicated that 73 percent of all voters support raising the minimum wage to $10.10 an hour—90 percent Democrats, 71 percent Independents, and even 53 percent of Republicans believe we ought to raise it to at least $10.10 an hour.

So the American people get it. There is overwhelming support for raising the minimum wage. But I am just mystified by how vehemently my Republican colleagues oppose this modest increase. I just don't understand it. But what I hear is the same old outdated, disproved arguments against giving working Americans a raise.

There are some on the other side who believe we should do away with the minimum wage. There should be no minimum wage at all. Try that one on for size. Talk about a race to the bottom. Four dollars an hour maybe? Three dollars an hour? Two dollars an hour? You see, I have always said that without a strong minimum wage and without a good, strong Wage and Hour Division at the Department of Labor to make sure people adhere to it—if we don't have that, then there is always someone a little worse off than you who will bid lower than you for that job.

So someone says: We will pay $7 an hour. There is always somebody that just needs the job a little more, they are desperate, and they say: I will take it for $6 an hour. Then there are some a little worse off than that who say: We will take it for $5 an hour, and we get a downward spiral.

That is why I say our American value is to have a strong minimum wage, whereby people who work hard—and some of these jobs are hard work. People are on their feet 8 hours a day or they are doing some manual labor or they are doing the kind of jobs a lot of people don't do. Yet they live in poverty. It is not right. Raising the minimum wage is common sense that adheres to our American values and gives everyone a fair shot at the American dream.

I hope my colleagues will do the right thing and vote for cloture, allow us to get on the bill. We can have some amendments offered, and we can vote to give working Americans a raise after all these years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I rise to join my colleagues to urge support for increasing the Federal minimum wage.

Today's minimum wage of $7.25 falls short and working families are falling behind. It hasn't kept up with the rising cost of everyday life. In fact, it is $2 less than it was in 1968, when adjusted for inflation. A full-time worker earning the minimum wage in 2014 makes less than someone did in 1968, almost half a century ago.

Now, $7.25 may be just a number to some but not for so many families in my State struggling to get by. It means working two or three jobs just to put food on the table or fill the gas tank or buy clothes for their children and still not be able to climb out of poverty.

Our Nation was founded on a basic premise that no matter who you are, if you work hard, you can get ahead. You can make a decent living. We haven't always kept that promise. We have the opportunity to do so this week for millions of hard-working men and women, young and old, who are paid the minimum wage.

Working Americans are not moving forward. They are falling behind. Year after year, paycheck by paycheck, they work just as hard, but they earn less and less. This is a disturbing trend, not just for minimum wage workers but all across the board. Worker productivity is rising pretty dramatically—69 percent in the last 25 years—but real hourly wages are not keeping pace, up 26.5

percent in the last 25 years. For the top 1 percent it couldn't be better. Their share of earned income is the highest it has been since 1929. But the average worker has to run faster and faster just to stay in place.

This is not the promise we made. This is not the way to a better America for each generation, but this is the reality for too many workers in New Mexico and across the Nation. They are living it every day. They get up, they take care of their kids, and they go to work. They may run faster, they may work harder, but they cannot get ahead.

A full-time minimum wage worker makes only $15,000 a year, well below the $23,550 poverty line for a family of four with two children. New Mexico has too many families in poverty, working hard, doing their best but falling further and further behind. This bill would give them a chance to build a better future for themselves and for their children.

I have received many letters from my constituents because they know how important raising the minimum wage is. Here is a letter from Kathryn from Fruitland, NM. She says: ''Morally, raising the minimum wage is the right thing to do, because people working full time deserve to live decently.''

Barbara from Clovis, NM, told me: ''There are so many people who work for minimum wage and have a desperately hard time paying the bills.''

Liz from Albuquerque says: ''I hope you will do all in your power to assure that every working American will be assured of making a living wage, not just a 'minimum' wage.''

Increasing the minimum wage helps families and helps the economy. It is one of the best things we can do to kick-start New Mexico's economy. It means workers in New Mexico would have over $200 million more to spend. It means boosting our State's GDP by $127 million, helping local businesses and generating 500 new jobs. It means moving forward, and it means that we honor an important idea that folks receive a fair day's pay for a hard day's work. That is the deal, and it is a big deal. Let's consider the alternative: When every year costs rise and the minimum wage stays the same, that is like a pay cut for families that can least afford it.

The bill before us increases the minimum wage in three steps. Six months after the bill is signed, it raises the minimum wage by less than $1. A year later it bumps up the minimum wage by 95 cents, and two years after the first increase, it would finally reach $10.10, which is about where it would be if it had kept up with inflation over the past 40 years. But this bill does more than just give hard workers today the chance to earn a decent wage. It also includes an important provision to allow the minimum wage to continue to keep up with every-day costs so that future generations who are working their way up can have a fair shot.

Our country has debated raising the minimum wage several times in the past. Opponents always paint a very gloomy picture, but we have been able to get bipartisan agreement to do it. Afterwards, families and the economy have been better off, and the pessimistic predictions haven't come true. We need to build an economy that works for everyone. Most Americans believe it is time to increase the minimum wage because it is the right thing to do, and it is the smart thing to do. It is time to keep our Nation's promise to reward hard work. It is time for all families to have a fair chance at the American dream.

I urge my colleagues to support increasing the minimum wage. It is long overdue for millions of working families who continue to struggle, who continue to wait, and who have waited long enough.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Madam President.

I came to the floor to join Senator HARKIN, Senator UDALL, and Senator BOXER in supporting the increase in the minimum wage that would give 28 million American workers a very long overdue raise.

I know that the years since the economic collapse in 2008 have really been hard for families in New Hampshire and across the country. Although we have seen CEO salaries rise, pay for working families has stagnated. While the cost of food, transportation, and childcare all continue to climb and families struggle to make ends meet, the minimum wage for American workers has been stuck at $7.25 an hour since 2009. At that rate a single mother working full time in New Hampshire does not earn enough to keep her family out of poverty. So let me just be clear: Adults working full time cannot support their families on the minimum wage, and that needs to change.

The fair minimum wage act would increase the minimum wage to $10.10 over 2 years. That would provide a raise to nearly 20 percent of New Hampshire's workforce and lift 10,000 people in New Hampshire out of poverty. Nationwide, nearly one-third of all minimum wage workers are women over the age of 25. In New Hampshire 70 percent of minimum wage workers are women. This effort is about these women and the 34,000 children in the Granite State whose parents would have a little more in their paychecks each week if we increased the minimum pay to $10.10.

I know that many critics claim that only teenagers hold those minimum wage jobs but, sadly, that is just not true. Teens make up only 12 percent of those who would get a raise if we boosted pay to $10.10 an hour. Minimum wage workers are also veterans. The fair minimum wage act is about giving a raise to the 4,500 New Hampshire veterans who now earn $7.25 an hour—the minimum wage—and who are struggling to get by. I urge my colleagues to join me in voting to give these veterans a raise.

Making sure workers in New Hampshire get a fair wage for an honest day's work is something that I have focused on since I was Governor. In 1997 I signed a bill into law that boosted minimum wages for tipped workers in New Hampshire. Nearly 75 percent of those tipped workers are women. As was the case then, today we must act to raise the minimum wage to ensure that hard-working Americans get a fair shot at success. I urge my colleagues to join me on both sides of the aisle in supporting the fair minimum wage act. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, it is my honor to rise today to support this very important bill, the Minimum Wage Fairness Act of 2014. I am very proud of my colleagues who have just spoken, and particularly, I want to say, of Senator SHAHEEN who, as I understand it, is the only woman here in the Senate who is both a former Governor and a Senator; is that correct?

Mrs. SHAHEEN. It is.

Mrs. BOXER. When Senator SHAHEEN was a Governor she stood up for the people, and as a Senator she certainly fights for her people.

Part of this fight involves making sure that when you work hard and you work full time you don't have to live in poverty. It just isn't fair. Remember most of the people on the minimum wage are adults. They are not children. They are not teenagers. They are adults. So many of them are trying to raise their children in jobs at the minimum wage level, and you don't have to be a mathematician to know that the current minimum wage leaves you in poverty. So you have a full-time job, you work your heart out, and you wind up in poverty.

I went back into my little memory books, and I found my son's first paycheck when he was working his way through school. He went to a supermarket to work as a checkout clerk. He came into a store called Lucky Stores. They were a union store, so he joined the union. Do you know what that young man made in those years? In 1986, 28 years ago—it is right here—it was $7.41 an hour. Imagine. So he was so proud he could work hard. When he came home, he was able to help pay for his tuition and his books.

We are talking about a minimum wage that is $10.10 an hour. Here is this young man working as an entry level checkout clerk at a supermarket in 1986 making over $7 an hour. This minimum wage has got to be raised.

We have the chart. If you put inflation on the minimum wage as it was in 1968—just inflation—the minimum wage would be $10.69 an hour. We are not even going that far. We are saying $10.10 an hour. So all we are suggesting is, make sure inflation is covered. That is all we are saying.

Increasing the minimum wage will give people a chance, a fair shot. Remember, most of the people on minimum wage are adults. If you stop someone on the street and ask who they think is on the minimum wage, a lot of folks guess it is teenagers. No. By the way, most of those happen to be women.

I am deeply disappointed and distressed that the Republicans are opposing this measure. Why do Republicans want to deny hard-working Americans a raise? The country supports it overwhelmingly. I don't understand it because in 2007, the last time we raised the minimum wage, it was bipartisan. A huge majority of Senators then agreed that a full day's work deserved a fair paycheck. The minimum wage in 2007 was during George W. Bush's Presidency. Let me say that again. For the minimum wage in 2007, which was the last time we raised it, the increase passed 94 to 3, and George W. Bush signed it into law. What has changed in the Republicans' hearts? What has changed in the Republicans' minds? Are they turning against the people?

If you ask them they will say that it is just not fair to small businesses. Well, more than 80 percent of small businesses pay their people more than the minimum wage. So come on. A majority of small businesses support what we are trying to do. So don't come on the floor and say you are opposing it because it is too much too soon. Wrong. It is even lower than the inflation rate, and secondly, regarding that small business doesn't want it, in fact, they do.

Now before that was 1989. We raised the minimum wage then, and it was 89 to 8, and at that time it was George H. W. Bush. So wait a minute. What is going on here? I don't get this. It is not about who is in the White House; it is about the working people of this country. Where is the bipartisan spirit? It is gone, and America is paying a heavy price with the minimum wage stuck at $7.25 an hour and with inflation eating away every day at it.

Let me read you just two or three stories about workers. Alicia McCrary, a single mom who testified in March before the Senate HELP Committee, struggles to support her sons with a minimum wage job in fast food. She has trouble getting them haircuts, shoes, clothing, and other items that kids need. She says: ''My boys ask: Why isn't there enough money? You work, and you work really hard, Mom.''

She said: ''I don't have a good answer other than I don't get paid enough.''

She is right. She doesn't get paid a fair minimum wage.

NBC News ran a story of a man who works three jobs. Two of them are overnight—he works three jobs—two of them are overnight jobs for minimum wage. He said:

> I have four young children. They need a dad around. That is why I work a day job when they are in school and then go back to work when they go to bed. But it takes 3 jobs to make ends meet because of $7.25 an hour. I am 43 and have over 20 years' experience and make $7.25 an hour.

That is wrong. These parents work so hard and their kids are growing up with so little, and their parents look in their children's eyes and they suffer because they want to do more for their children.

Economists project that this bill—which I hope most or almost every Democrat will support—will raise the wages of 28 million people in America. All we need is a handful of Republicans to join with us and we will get it done. By the way, if it were a majority rule, we would get it done. They are filibustering it. Let's be clear. They not only oppose it; they are forcing us to get 60 votes.

Twenty percent of the children in America are counting on this, 14 million children who would be lifted out of poverty if we pass the Harkin bill.

Then we have tipped workers. If I asked anyone on the street how much tipped workers make, they would say minimum wage. Most people don't know what the Federal tipped minimum wage is. I know the Presiding Officer has worked on this. It is $2.13 an hour. Can my colleagues imagine? Again, $2.13 an hour is the tipped minimum wage.

Many tipped workers live in poverty and instability. They don't know if they will make enough to cover the bills.

We will hear that if we pay the full minimum wage, it will be too hard on the restaurant owners. In my State the tipped workers get the full minimum wage, and that wage is $8 an hour, going up to $10, in California. So the tipped workers get the minimum wage amount every hour. Guess what. Our restaurants are going gangbusters. And guess what else. When a person does well and has their minimum wage plus their tips, they get to go out once in a while to a restaurant. They can go down to the corner store and get something for their children.

Sandra Samoa is a bartender in Chicago. She says if the bar is slow, she might take home just $40 after an 8-hour shift. She lives with her mom and her young son. This woman sleeps on the floor so her son can sleep in a bed. If we don't represent people such as these, who the heck do we represent—the Koch brothers? They are worth billions. This woman comes home Sundays with $40 in her pocket, she sleeps on the floor, and she says, ''My whole plan is to have a room for him one day.''

So, listen, if we are who we are supposed to be—the representatives of the people and working families—then we want to make sure we raise the minimum wage. It helps everybody, including those in business. That is why most small businesses support this.

We know the great story of Henry Ford, who raised the day rate of his workers way back in the olden days, and people said: What are you doing? You are raising wages? You could get away with paying them—whatever it was.

He said: I am raising them because I want them to buy my car—the cars we make.

What we are going to hear on this floor from our colleagues is that we are going too fast, we are raising this too much. I have already shown my colleagues that we are raising it less than inflation, so that is baloney on its face.

No. 2, they say: Oh, it is going to hurt small business.

I have already stated that 82 percent of small businesses already pay all of their employees more than the Federal minimum wage, and more than half of them support raising it to $10.10 because they know people will spend money on their products and in their stores.

Then the next thing they are going to say is it is a job-loser. They are going to cite one study, which I call an outlier, from CBO. It said the minimum wage would reduce employment by three-tenths of 1 percent over the next 2 years. When I heard that, I thought, what is this about? I looked at some other studies. A study by three prominent labor economists from the University of Massachusetts, the University of North Carolina, and the University of California-Berkeley found that minimum wage increases absolutely do not cause job losses. The Economic Policy Institute found that the Harkin bill would increase employment by 84,000 jobs and add $22 billion to our economy over 2½ years. Let me repeat that. The Harkin bill would increase employment by 84,000 jobs and add $22 billion to our economy.

But let's look at history. We have to really ask ourselves—these guys and gals who are saying don't raise the minimum wage because it will lose jobs—what if they said that going back through time and they prevailed? We would never have raised the minimum wage. I worked for the minimum wage a long time ago. At that time it was a dollar an hour, and I earned 50 cents an hour because I was a teenager. It was great then. I earned 50 cents an hour. I am looking at the young people here, and they are thinking, you must be really old. They would be right.

My point is that the minimum wage was a buck an hour and it was raised many times. Since 1989 the minimum wage has been raised three times. It was raised many times before that. There have been 18 increases since 1956. So we can put that in our minds—18 increases in the minimum wage since 1956. Suppose the other side had taken that attitude: Don't raise it. Well, it would still be, I guess, a buck an hour, 50 cents if you are a kid. Today ''50 Cent'' is a singing group, right?

We have raised the minimum wage over and over again. What has happened? The economy has added millions of jobs. Since 1956 it has added 80 million. Since 1956, we have raised the

minimum wage 18 times and we have created 80 million new jobs. So if anybody says this is a job-killer, I just say, read the history books.

Americans support raising the minimum wage. I hope my colleagues are listening. The American people know $7.25 an hour is not enough. A Wall Street Journal/NBC poll found that 63 percent of Americans support raising the minimum wage to $10.10 an hour. Let me say that again. Sixty-three percent of Americans support raising the minimum wage to $10.10 an hour.

All we need is a handful of Republicans. If they are listening to me, I hope they heard some of my arguments. No. 1, it is good for business to raise the minimum wage because people have more to spend. No. 2, history has shown that we have raised the minimum wage over and over again and we have created 80 million jobs. No. 3, most of the people earning minimum wage are adults, and most of those are women, and people are trying to raise their families on the minimum wage.

The last point is that we have always had strong bipartisan support. When George W. signed it into law, there was strong support from the Republicans. When his dad was in office, there was strong support. I can't believe the Republican Party has turned its back on working people, but if they have, we will find out tomorrow. The American people know what this is about.

The American dream is within reach, but we have to have fairness out there. People need a fair shot. We shouldn't tell someone who is a dad that he has to work three jobs. That is wrong. We need to lift up these workers and not let them fall behind.

When workers do better, families do better. When parents buy their kids enough to eat and shoes to wear, when they can go get a haircut at the local barber, when they can put gas in their car and fix up their house just a little, everybody does better. The community does better. Businesses do better. Families can walk tall when we reward hard work. When our workers earn a fair wage, our economy is stronger and our country is better. So let's give American working families a fair shot. We are not asking for the Moon and the Sun and the stars. All we want is just a little light at the end of the tunnel.

Thank you.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. BALDWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Ms. BALDWIN. Mr. President, nearly 7 years ago both parties worked together to pass bipartisan legislation that raised the minimum wage. Nineteen of my Republican colleagues, with whom I serve in the Senate today, voted for that bipartisan legislation, and Republican President George W. Bush signed it into law on May 25, 2007.

Since that time big banks on Wall Street drove our economy into a ditch. We faced a financial sector meltdown and were confronted with the worst recession since the Great Depression.

Hard-working Americans lost jobs. They lost their homes. They lost their retirement savings. Hard-working families paid a steep price for the reckless actions of others when all they ever asked for was that their hard work be rewarded.

Today people are working as hard as ever. Many are working full time. Many are working two jobs just to make ends meet; they deserve to get ahead. Yet far too many are barely getting by or living in poverty.

Middle-class incomes have flat-lined and income inequality in the United States is at a record high. And, today, a full-time minimum-wage worker earns only $15,080 per year.

The sad reality is the minimum wage is not high enough to keep full-time workers out of poverty. That is simply wrong, and it is our job to work together to change it because in America no one who works hard full time should have to live in poverty.

I am here today to urge my colleagues to help lift nearly 2 million people—2 million of their fellow Americans—out of poverty.

I am here today to urge my colleagues to support the Minimum Wage Fairness Act and give 28 million hard-working Americans the raise they have earned.

Some opponents of this bill have dismissed this effort as nothing more than raising the wages of teenagers who are simply working in the summer months. Well, that simply is no longer true. In fact, it never was true.

Eighty-eight percent of minimum-wage workers are adults age 20 or older, and the average age of a minimum-wage worker in America is 35 years old. More than half of minimum-wage workers are women. These are Americans who are working hard to get ahead, and they deserve to have us working together to help give them a fair shot.

Raising the minimum wage is not just the right thing to do to reward hard work; it can certainly boost our economy because studies show that minimum-wage workers spend the extra dollars they earn on basics such as food and clothing at businesses right in their home communities.

For someone earning $7.25 an hour and working full time, raising the minimum wage to $10.10 puts an extra $5,700 into their pockets. That $5,700 provides groceries for a year or utilities for a year, money to spend on gas and clothing for a year, or 6 months of housing—fueling our local economies at a time when our recovery continues to limp along.

Raising the minimum wage would lift 2 million hard-working people out of poverty. Passing this legislation would mean that more hard-working Americans will be able to provide for their families without the help of government programs such as SNAP, otherwise known as food stamps, saving taxpayers $4.6 billion from reduced nutrition assistance payments in 1 year alone.

I believe we need to build a fairer economy and grow the middle class from the bottom up. And I believe our economy is strongest when we expand opportunity for everyone, when everyone gets a fair shot.

I am proud to join my colleagues here today and tomorrow to deliver a call for action. It is simple. The time is now to give hard-working Americans a raise. We can do that if both parties work together to reward hard work so that an honest day's work pays more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to speak about the importance of raising the minimum wage.

People truly deserve a fair shot at the American dream, and it is time to come together to raise the minimum wage.

Our State just raised the minimum wage. We actually had one of the lowest minimum wages in the country—$6.15 per hour—and we are now at $9.50 per hour. So that was a major jump up. It was something that was needed, and it had a lot of support in the State of Minnesota, a State that has a very strong economy, with an unemployment rate of only 4.8 percent. But even when they have jobs people still have found it very hard to afford basic things or to send their kids to college.

We should follow Minnesota's example. We should raise the Federal minimum wage to $10.10 per hour.

I am a cosponsor of the Minimum Wage Fairness Act. I want to thank Senator HARKIN for his leadership on this issue and his dedication to the working families of America.

I also want to thank Senator MERKLEY and all of my colleagues who have worked tirelessly to raise the minimum wage.

As the Senate chair of the Joint Economic Committee, I held a hearing on income inequality earlier this year with former Secretary of Labor Robert Reich. His data showed—and this is a number I will never forget—that the top 400 people in this country—the top 400 people—have the same amount of wealth as the bottom 50 percent of Americans. This means that half of Americans—of everyone in this country—have the same amount of wealth as the top 400 people.

So how do we address this? We know there are a lot of things we need to do: training people who do not have the jobs and do not have the skills right now, increasing exports, immigration reform—there are all kinds of things we can do. But we know one major thing we can do to help an individual family have a fair shot is to increase the minimum wage.

Like many of my colleagues who have spoken today, I worked my fair share of minimum-wage jobs. I started as a carhop at the A&W Root Beer stand in Wayzata, MN. I then graduated to being a waitress, for about 3 years, at Bakers Square pie shop,

where I once spilled 12 iced teas on 1 customer. That is when I decided to go to law school. But I worked those jobs, and it gave me a sense of what it was like for some of the people I worked with—that this was their job, this was their job cutting pies, this was their job washing dishes. This was how they supported themselves. It gave me a sense of how important it is to look out for those people who are doing the work we depend on every single day.

Think of how this affects women. Two-thirds of today's families rely on the mother's income in some way. Mothers are the primary breadwinners in more than one-third of families. Yet we also know that women make up nearly two-thirds of all the workers who earn the minimum wage or less.

An example of this is a waitress named Tiffany from Houston, TX, who recently came to Washington. We did an event together and answered questions. Her story is the story of so many American women across this country. She is a single mom. She loves her daughter so much. She is working as a waitress, and many times, with the way the laws work down in Texas, she does not make many tips in one night. So what does she do? She fills in by working on holidays. She has worked many Christmas Eves. She has missed every single Halloween with her daughter because it was a good night to be working at the bar at the restaurant. She has missed all kinds of other holidays, and she went through them, as we stood there.

You think to yourself: Sometimes, especially when you first start off, that happens. I have had it happen. But it should not keep happening after you have worked years and years at the same place. But it is just one example of what our minimum-wage workers have to do to try to make ends meet. They have to work another job. They have to work a holiday. They have to work another shift. That goes on every single day in America.

A woman working full time in a minimum-wage job only makes about $15,000 per year, which is not enough for her to work her way out of poverty. It is not enough for her to send herself or her kids to college. A full-time job should not mean full-time poverty.

Today, more than 15 million women in America are counting on us to help them get a fairer wage. Many of them, as I noted, are working in demanding retail and hospitality jobs—as waitresses, store clerks, hotel maids—where they are on their feet and they are running all day. They may not be able to come here today and sit in the gallery and say: Hey, I need a raise. So we have to be their voices. We have to talk for them today.

Despite their hard work, they have an almost impossible time making ends met. They struggle to afford the basics—a decent place to live or food for their family, never mind being able to save for a rainy day or for college or for their own retirement.

I released a Joint Economic Committee report on Earnings, Income and Retirement Security for Women. One striking thing we saw in this report is that a woman's lower lifetime earnings means lower retirement security. So this is more than about today's wages. This is about an entire lifespan. Women live longer. If they are making less, if their minimum wage does not allow them to save for retirement, it is even tougher for them in their golden years.

There is also a strong economic case for raising the minimum wage today. Low-wage workers would see their earnings increase by $31 billion if we raise the minimum wage. And we know what they are going to do with this. They are going to try to save a little of it, but they are going to spend it. They are going to spend it in Washington State. They are going to spend it in West Virginia. They are going to spend it on clothes for their kids, on food for their families, and filling up their gas tanks. They are going to help keep the economy going.

I once saw a documentary that Robert Reich did where he talked to a major CEO with tons of money. He took him into his room, and he said: OK. I only have three pairs of jeans. How can you really have more than three pairs of jeans? Maybe you could have four, but you really don't need more than that.

His point was this: If we want to have an economy that works, we cannot have all of the profits and money sucked up by the people who run things. We want them to be rewarded for their work, but they can only buy so many jeans.

If you have that money go fairly across the spectrum, then everyone gets to buy their pair of jeans. What we are doing is literally cutting down our markets by not making sure—in a consumer-driven economy, where 70 percent of our economy is consumer driven, we are putting ourselves in a situation where people are not able to buy things.

We also know that raising the minimum wage is good for business. We know that raising the minimum wage to $10.10 per hour could help approximately 28 million workers, with almost half of the benefits going to households with incomes below $35,000 per year.

We know that more than 15 million women would receive a raise. We know that $31 billion would be added to our economy. We know that seven Nobel laureates in economics, along with over 600 economists, support raising the minimum wage to restore the value that has been lost to inflation over the years. The minimum wage is now a third of the value of what it was in 1968.

It was the beloved late Paul Wellstone of my State who famously said: ''We all do better when we all do better.'' If he were here today, that is what he would be saying. I know it is still true, and so do my colleagues who join me today. We need to be focused on doing better so we all do better.

With this in mind, I urge my colleagues to join me in fighting for working families, and especially the working women of this country, to give them a fair shot and pass a long overdue minimum-wage increase.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Minnesota for her really important statement. I come here today to join her and talk about this one small idea that stands for a huge difference in the lives of all of our constituents and, as she pointed out, for women in particular; that is, of course, the idea that if you are putting in 40 or 50 or 60 hours of work per week, you are able to put food on the table and pay your bills and you will not be stuck below the poverty line.

This idea could change the lives of millions of Americans if Congress simply acted and raised the minimum wage. But we have to act now because right now one in four women in our workforce is making the minimum wage. That is 15 million American women who are making the equivalent of about two gallons of gas per hour.

Are we prepared to tell them that should be enough to support themselves and their kids? In fact, as we have heard several times now here in this Chamber, nearly two-thirds of those who earn the minimum wage or less are women. This is coming at a time when more and more women are depended upon as the sole income earners in American families.

Right now, in cities and towns across America, there are millions of those women who are getting up at the crack of dawn for work every day who are stuck living in poverty, who cannot save for a car, much less a house. They cannot pay for school to get new skills and a new job, and they cannot even afford to provide their children with warm winter clothes or basic medical care.

Unfortunately, this also comes at a time now when we are seeing CEO salaries skyrocketing across the country, all while America's minimum wage stays flat. In 2013, the average S&P CEO earned $11.7 million. That is 21 percent more than they earned in 2009—21 percent—and 630 percent more in real value than in 1983—630 percent more.

Unbelievably, this means that the average CEO today earns more before lunchtime on his first day of work than a minimum-wage worker earns all year. That is not how it is supposed to work in America, the country where you are told if you work hard and you play by the rules, you can get ahead.

So when we talk about the minimum wage, let's be clear: Raising the minimum wage is about bringing back our middle class. I am proud that in my State we are taking the lead. In my

home State of Washington, our workforce enjoys the highest minimum wage in the country. I wish to point out to our friends on the other side of the aisle, Washington State's economy has not been negatively impacted by our high minimum wage. In fact, our economy has benefited from a high minimum wage. Job growth has continued at a rate above the national average. Payrolls in our restaurants and in our bars have expanded because more people have more money in their pockets to spend out at dinner at night or on the weekend. Poverty in Washington State has trailed the national level for at least 7 years.

It is not just in Washington State that we are seeing those successes. In fact, this week the Center for Economic and Policy Research reported that of the 13 States that increased their minimum wage in early 2014, 11 of them have seen a gain in employment since then, and half of the 10 fastest growing States by employment were among this group of minimum-wage raisers.

This is just one of many reasons why I strongly support increasing the national minimum wage to $10.10. It is not going to make anyone rich, but for the 400,000 Washington residents who would be directly impacted, it would mean an average annual raise of approximately $375. That is no small amount for the over 48,000 in my State who would be lifted out of poverty with an increase in the minimum wage.

But we have to do more. In fact, today two-thirds of our families rely on income from both parents. Thanks to our outdated Tax Code, a woman who is thinking about reentering the workforce as the second earner may face higher tax rates than her husband. That is unfair and it has got to change. So last month I introduced the 21st Century Worker Tax Cut Act, which would help solve that problem by giving struggling two-earner families with children a tax deduction on the second earner's income.

My hope is that tomorrow here in the Senate we can come together on behalf of the millions of Americans who, like my own mother when I was growing up, are the sole breadwinner and caregiver in their family. I hope our colleagues have gotten a sense of how $7.25 an hour translates to a grocery trip for a family of four or to shopping for school supplies or even how it impacts making the daily commute.

That is why all of us are here today, this afternoon, to give that mom or that dad a fair shot at succeeding in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

CLIMATE CHANGE

Mr. NELSON. Mr. President, if you live along the southeastern coast of the United States, you know the sea level is rising. We have a lot of people who would question the reason for this rise of the sea level. Some people deny there is climate change, that the Earth is warming up.

I think as we look at the science, we will clearly understand the greenhouse effect is occurring. The more we put gases into the atmosphere by human action such as carbon dioxide, the more the Sun's rays come in and reflect upon the Earth's surface and would naturally radiate out into space. The fact is, as the Earth's surface reflects the Sun's rays back out into space, which is what Mother Nature intended, keeping the delicate balance of the temperature of the Earth, what happens when we put greenhouse gases such as CO_2 into the atmosphere, a shield or blanket, the effect of a greenhouse occurs.

As they reflect back out, they are trapped—the Sun's rays, the heat from them—and it continues to warm up the Earth. Thus, we have the greenhouse effect.

One of the consequences of the greenhouse effect is that the icecaps in Greenland to the north and Antarctica to the south are melting. This causes the sea level to rise.

Another effect of the greenhouse effect is that as the Earth's temperature rises, most of the surface of the planet is covered with seawater. Therefore, the water absorbs that heat. That causes additional effects such as the intensity, the frequency, the ferocity of storms that fuel the storm surge and power from the surface water they consume.

Having said all of that, then, what are we seeing as a consequence? As I said in my opening, if you live along the southeastern coast of the United States, you know that seas are rising. The commerce committee, under the blessing of our chairman, Senator ROCKEFELLER, just held a hearing in ground zero. Ground zero is Miami Beach, FL.

One of the people to testify was a NASA scientist, a Ph.D., who happens to be a three-time shuttle astronaut. He testified in front of the committee—not predictions, not forecasts, he testified what are the actual measurements of the rise of the sea level over the course of the last half century. That rise is anywhere from 5 to 8 inches along the southeastern coast. The effects of that are being felt in southern Florida. For instance, it is now a normal occurrence at high tide that we are finding parts of Miami Beach are, in fact, flooded. The actual beach itself and the dunes are higher than some of the land as it progresses away from the ocean and the barrier island of Miami Beach becomes lower.

There is a major north-south thoroughfare called Alton Road on Miami Beach. At high tide, it is frequent that Alton Road floods. What we are expecting in seasonal high tides coming this October, just as they were last October, is we will see maybe up to a foot of water in Alton Road.

Why does this occur if it is not flooding over the dunes by the beach? Because Florida sits on a porous substrate of limestone. It is like Swiss cheese. This is why people say: Well, why do you not do what the Dutch did? The Dutch built dikes. They are under sea level; New Orleans, the same thing, dikes and canals. Under sea level. You cannot do that in Florida, because with the porous limestone supporting the earth, the land, what happens is the rise in tides causes more pressure, and it causes the saltwater to start to invade this honeycomb of limestone that supports the land of Florida and there you get saltwater intrusion.

With the rising tides and rising sea levels, that water also starts coming into the drainage systems that keep Florida dry. That is happening now in Miami Beach at high tide. We had it last time in October in the seasonal high tides. We are going to have it again in the high tides coming this October. So naturally this is going to cause a considerable extra expense since you cannot build a dike for the local government, the State government, and the Federal Government to keep people dry. I am happy to say the local governments of South Florida have all banded together and you are seeing them speak with one voice as they have, for example, not competing for a grant from the Federal Government but instead they have banded together and supported the grant application for the city of Miami which is the first ground zero, in order for Miami to try to attack its problem.

There is an economic consequence to this as well, as we had someone from the Miami-Dade convention bureau come and point out. I can sum it up as I did during the hearing: No beach, no bucks. Florida is blessed since we have more coastline than any other State save for Alaska, and we certainly have more beach than any other State. Florida is blessed with these beautiful beaches that people from all over the world want to come and enjoy.

No beach, no bucks. It is going to have a huge economic consequence, not only in the cost of government to try to hold back the water but also in lost business.

I will conclude my remarks by saying not the measurements, 5 to 8 inches. That has already been done. That has happened, 5 to 8 inches of sea level rise the last 50 years.

Now the forecast. The forecast in the scientific community—and we had one of the scientists from one of the State universities testify, along with the NASA scientist, is that it is going to be upwards of a foot within the next 20 to 30 years. By the end of this century, we are talking 2 to 3 feet.

Let me tell you what that means for the State of Florida. The State of Florida this year will surpass New York in population as the third largest State, moving on toward 20 million people, and 75 percent of that population is on the coast of Florida. The east coast, the west coast, which is the gulf coast, is 75 percent of our population. If we

don't turn this back 2 to 3 feet by the end of this century, that 75 percent of our population will, in fact, be underwater.

We are trying to get insurance companies interested. We had a major reinsurer testify that although insurance policies are set—property and casualty policy premiums—in 1- to 3-year increments, over the course of time that is certainly going to change.

I conclude my remarks by complimenting the next Senator who is going to speak. SHELDON WHITEHOUSE of Rhode Island has been our conscience. He and Senator BARBARA BOXER have been ringing the bell on this issue for months and for years in trying to get people to pay attention to what is happening.

I want Senator WHITEHOUSE to share what he has done over his Easter vacation in trying to bring attention to this subject.

At the end of the day, we have to do something about it, and that means we are going to have to be very sensitive about all the stuff that not only we, the United States of America, are putting into the air and creating that shield, that greenhouse effect, but we are going to have to get other countries that are polluting even more than we are to do the same.

Senator WHITEHOUSE, I thank you for what you have done as you share your story with us. You have done a courageous act of patriotism in bringing attention to this dramatic issue.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I understand the time is controlled now by the Republicans. When Senator HOEVEN arrives, I will yield the floor to him. But in the meantime, I thank Senator NELSON for his leadership in this area.

Let the record reflect that although Rhode Island may call itself the Ocean State, Florida has its fair share of coastline as well. The effects on Florida's coast are really very significant.

Because time is short and because I see Senator HOEVEN has arrived and because Senator NELSON is a modest individual who would not want to brag on himself, let me say one thing and then I will come back later and discuss my Easter southern climate tour at greater length.

The Miami Herald is a very significant newspaper in Florida, and it attended and reacted to the Commerce Committee hearing Senator NELSON led in his home State. I want to read from two short sections that opened by saying:

> For South Floridians, the topics of climate change and rising sea levels are no longer to be dismissed as tree-hugger mumbo-jumbo.
>
> Pause next time you hear that parts of Miami Beach or the intersection of A1A and Las Olas Boulevard have flooded because of . . . high tides?
>
> Let the light go off atop your head: It's science, stupid.
>
> On Tuesday, Florida Democratic U.S. Senator Bill Nelson brought illumination to Miami Beach—Ground Zero for our unique coastal battle with Mother Nature.

It concludes with these last few words:

> South Florida owes Senator Nelson its thanks for shining a bright light on this issue. Everyone from local residents to elected officials should follow his lead, turning awareness of this major environmental issue into action. It is critical to saving our region.
>
> If we don't, we'll soon have water—not sand—in our shoes.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time until 4:45 p.m. today will be under the control of the Republicans.

The Senator from North Dakota.

KEYSTONE XL PIPELINE

Mr. HOEVEN. I rise to discuss the Keystone XL Pipeline project. I will be joined by a number of my colleagues, whom I will thank at the beginning for joining me. They will come today with the same message that I have; that is, the Keystone XL Pipeline project, the project that has now been under review by this administration for more than 5 years—we are now in year 6. We are on the floor of the Senate asking for, quite simply, a vote to approve the Keystone XL Pipeline project. I have put legislation in on a number of occasions. In 2012 we approved a time limit for the President to make a decision. I believe that bill got on the order of 73 votes—strong bipartisan support. We attached it to the payroll tax holiday, and it said that the President had to make a decision on the Keystone XL Pipeline within 90 days. He did. He turned it down, and he turned it down on the basis of the routing in Nebraska.

So not only did the State of Nebraska go through an incredible amount of work, but the State Department and others went back to work, did a whole new environmental impact statement after Nebraska had rerouted the pipeline, which was approved by both its legislature and its Governor, and came forward with a new route and a new environmental impact statement. That was right at the beginning of 2012.

So we set a timeline for the President to make a decision. He made the decision and he turned down the project, but we addressed the concerns he raised. They were fully addressed.

Then later we also offered a resolution of support putting the Senate on record in support of the project. That was attached to the budget resolution at the beginning of 2013. We came back the next year, and on that occasion the Senate, with 62 votes, said: Hey, we support the project. Here is a resolution in support of the project stating that it is, in fact, in the national interest and ought to be approved.

Since then the President has done nothing. Well, that is not quite right. Not only has he not made a decision now—and we are in the sixth year after four environmental impact statements, all of which said there is no significant environmental impact created by the project—not only has the President not made a decision, with Congress on record supporting the project, but, in fact, a little over 1 week ago on Good Friday, on the afternoon of Good Friday, when he figured nobody was paying any attention, the President came out and basically put out a statement and said that not only has he not made a decision but he is not going to make a decision, that on the basis of litigation he is going to postpone the decision indefinitely.

So we are in year 6, having met all of the requirements on numerous occasions on a project that will provide energy and jobs, that will help with national security by reducing our dependence on oil from the Middle East, a project that his own Department of State, after environmental impact statement after environmental impact statement, has come back and said will create no significant environmental impact, will create 42,000 jobs, and will help us get energy and not only move energy from States such as North Dakota and Montana in our country to the refineries safely but also bring in oil from Canada to our country so we don't have to import it from the Middle East.

The President says: Well, we are in year 6, but I am going to postpone this decision indefinitely.

Here we are. We have a bill I introduced some time ago. We have 27 cosponsors on the bill, both parties. What the bill does, it approves the Keystone XL Pipeline project congressionally. Instead of continuing to wait after 6 years and now the President's announcement that he is going to delay the decision indefinitely, passing this bill would approve the project congressionally.

The way that works is that under the foreign commerce clause in the Constitution, Congress has the authority to approve this project. They have that authority under Congress's ability to oversee foreign commerce, commerce with other nations. We know that because we took time to research it. We had the Congressional Research Service do the research for us, and they say this is a constitutional authority of the Congress.

We have provided that bill. The bill has been filed. As I said, we have 27 sponsors, and now it is time to vote.

We have been holding off on having a vote because the President said: You know, we are going to go through the process—or he is going to go through the process and he is going to honor the process.

The environmental—actually, the fourth and supposedly final environmental impact statement came out at the end of January. There was a 90-day comment period after that, which was to expire the first part of May. The expectation was that now that the process at that point—once the process was exhausted, the President would, in fact, render the long-awaited decision.

But, as I say, on Good Friday, a little over 1 week ago, he came out and said:

No, no decision. Furthermore, he is not going to make a decision, and that delay is indefinite. So clearly the administration opposes the project and they are going to defeat it with delay. They are going to defeat it with endless delays. There is no amount of process that will ever be adequate for the administration. They will continue to delay this decision, thinking that at some point it will go away, and so they defeat the project through one delay after another. That is why it is time to vote.

In a recent poll that was released last week, 70 percent of the American people want this project approved—70 percent. That was a Rasmussen poll.

The President is trying to defeat the project through delays in order to appease special interest groups while the American people very much want this project approved. It is Congress's responsibility to take a stand. It is long past time to vote.

At this point, I am making some revisions to the legislation to update it for the final environmental impact statement. We are working to get every single Republican Member of this body on board, which I believe we will do, and as many Democratic Members as possible. We are pushing as hard as we can to get a vote. It is time for the Senate to stand, exercise its responsibility, and vote.

Now the Senate majority leader is looking at moving to energy legislation, energy efficiency legislation. That is good. Let's go there. Let's have the debate. Let's offer amendments. Let's have votes. Let's do the work of the people that this body is elected to do.

As part of that, we are going to require a vote on the Keystone XL Pipeline, a vote to approve it congressionally, and everybody can decide where they stand. But this is a project which is long overdue. It is time to vote, and it is time to vote on congressional approval. That is our message today, and that is going to continue to be our message as we work on energy legislation.

I am very pleased to have other Members who have agreed to come join this discussion. I turn to the good Senator from Kansas, the senior Senator from Kansas, somebody who has been in this body for a long time, who has seen these issues, and who understands the responsibility we have to vote on behalf of these issues, to take a stand for the American people.

I yield to the senior Senator from Kansas, a State through which this pipeline passes, and ask him does he perceive that this project is in the national interest.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Thank you, Mr. President.

I would be more than happy to respond to my good friend and colleague.

Thank you for your leadership, thank you for your bill, and thank you for your statement. There is no question that this is in the national interest—absolutely none.

I rise today to join my fellow Republican colleagues and then to extend the arm of cooperation to our friends across the aisle.

I want to express my deep disappointment in this administration's repeated delay of the final approval of the Keystone Pipeline. I hope that what the Senator has indicated will come true, that if in fact it is the wish of the majority leader to at least bring up an energy bill—and I hope he would not limit it, I hope he would allow amendments to it—then with the support we have within the Congress we could get going on something that is truly a jobs act as well as providing for the national security.

The irony should not be lost on anyone that while those on the other side continue messaging and messaging and talking about supposed government solutions to our high national unemployment rate—including emergency unemployment insurance, income inequality, minimum wage—we have a project right before us waiting for approval that would create tens of thousands of jobs and all without using one dime of taxpayer money. If you want an actual solution to unemployment, here it is: Provide eager Americans with full-time jobs making well over the national minimum wage. That is a jobs package.

Regarding the pipeline's environmental soundness, the Senator has been absolutely correct. Just last June the President indicated he would not grant final approval of the Keystone XL Pipeline if it would exacerbate carbon emissions. The good news is this, Mr. President: The State Department has already indicated that the construction of the pipeline will have no measurable impact—none—on increasing global carbon emissions. So from an economic standpoint, it is a no-brainer, and from the scientific conclusions reached by this administration's own State Department regarding the environmental soundness of the project, it is a no-brainer.

At the end of the day, the Canadian oil sands are going to be developed. That is a fact. The real question is, Will that oil be shipped overseas? Will it be transported to the United States by rail or will it travel by pipeline? In fact, transporting oil via pipeline is the most environmentally sound way to do it.

Lastly—and this plays into the larger discussion we are having about the escalating issues with regard to the Middle East, Ukraine, and Russia reverting again to a growling bear—why not send a strong message to the rest of the world—most especially to Russia—that we are serious about energy security? At last, at last, energy security; that we will work with our friends in Canada to start challenging nationally run oil cartels as to who can supply our friends with needed energy.

While the larger energy discussion regarding situations unfolding around the world are focused mostly on LNG, Russia's influence goes well beyond natural gas. We should understand that. Just look at our own data produced by the Energy Information Administration, which shows that Russia is second only to Saudi Arabia in exports of oil.

So this is our opportunity from a national security standpoint to send an important message that the time of despotic governments wishing to wield power by controlling the flow of energy is coming to an end. Let's allow this project to be the first step in hopefully many more toward showing we are serious as a government about achieving North American energy security.

Again, this project has been reviewed, as has been noted by my distinguished friend, for over 5 years, with five environmental impact statements concluding it is safe. This project makes sense economically, environmentally, and from a national security perspective. What does not make sense is yet another treading-water non-decision, another delay beyond the fall elections. With regard to our national energy policy, it is long overdue for the United States to lead by leading.

Mr. President, approve the pipeline.

To the majority leader: Let us have an amendment—if, in fact, we do go on to consider energy legislation this work period—that will be in the best interest of every State in the Union, every American, for our national security, and our overall energy policy.

I thank my colleague again for his leadership. I really appreciate it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I wish to thank the distinguished Senator from Kansas for his words today and for his support of this important project.

I would also like to turn to the distinguished Senator from Iowa, somebody who truly believes we should have an ''all of the above'' energy approach but one that means actually doing—not only producing from our traditional sources of fossil fuels but also our renewable sources. He is someone who also understands that if we are truly going to have an ''all of the above'' energy plan in this country and do it, not just talk about it, we need the infrastructure to make it happen.

So I turn to the good Senator from Iowa and ask him: Isn't this the vital infrastructure this country needs in order to truly have an ''all of the above'' energy plan that works?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. It is a jobs bill, it is an energy bill, it is a national security issue, and it sends the message around the world that we are not going to be dependent upon the rest of the world for our energy. It is all those things and probably a lot more, and I thank the Senator from North Dakota for putting this afternoon together and

also, over a long period of time, being a spokesman for the Keystone XL Pipeline not only here in the Senate, but I have seen the Senator on Sunday news shows speaking to the entire Nation about the value of the Keystone XL Pipeline.

I think today we are saying enough is enough. We are saying it is time to end the unjustified and—now we know—the political delay of the construction of the Keystone XL Pipeline. I am glad so many of my colleagues are coming to the floor today to call for the approval of this project.

The TransCanada Corporation applied for a Presidential permit from the U.S. Department of State to construct and operate the Keystone XL Pipeline way back in September of 2008. Yet here we are still talking about it. For nearly 6 years this administration has been sitting on the application. Time and time again the State Department, which has the responsibility to review, reviewed the environmental impacts of the pipeline, and once again, time and time again, they found that the pipeline will have no significant impact on the environment.

In 2011 Secretary Clinton said a decision would come before the end of 2011. In March 2013, when President Obama was invited to come and talk to Senate Republicans in our caucus—and he was told he could talk about anything he wanted to talk about—one of the topics that came up was that a decision would be made on this pipeline before the end of 2013. He said that 13 months ago, yet still no decision.

As has been stated by my colleagues, on Good Friday afternoon of this year, the State Department announced an indefinite delay in the comment period on the pipeline project. So it appears unlikely that President Obama will make a decision at any time in the near future, if ever.

This indefinite delay is mind-boggling considering all the advantages of this pipeline. Granting the permit for the pipeline will create thousands of jobs directly and indirectly. It will provide more than 800,000 barrels of Canadian oil daily from a friendly economic partner.

Rejection of the pipeline permit will not affect Canada's decision to develop these oil resources because they are smarter than we are. They have made a national decision that they are going to harvest their energy resources, whereas we are playing around as to whether we ought to do that. As we play around, we tend to be more dependent upon foreign sources. So the Keystone Pipeline is clearly in the national interest of the United States. Yet President Obama is unwilling and unable—or maybe I should say ''or unable''—to make a decision.

Just think of the economy today and what this could do to improve the economy, particularly with regard to the unemployment factor in our economy, currently at 6.7 percent. That means 10 million jobs that are not available for Americans. That number is the unemployed. The labor force participation rate remains near a 35-year low, at 63.2 percent. If the labor force participation rate were the same as when President Obama took office, the unemployment rate would be 10.3 percent instead of 6.7 percent. With these deplorable unemployment numbers, one would think the President would be very anxious to get as many people employed as he could.

The President and the Senate majority here, which happens to be 55 Democrats, should be doing everything they can to grow the economy and create jobs. This would be something that could be bipartisan. In fact, we have already had bipartisan votes on this subject. Yet the Senate Democratic leadership continues to block Senate action to approve the permit. Instead, they are proposing ideas that would actually cost jobs rather than create jobs at a time of 6.7 percent unemployment. For example, later this week we in the Senate will vote on a proposal to increase the minimum wage. The nonpartisan Congressional Budget Office concluded that this proposal will cost 500,000 jobs and perhaps as many as 1 million jobs. That is not the Republican Party making that statement; that is the professional people of the Congressional Budget Office.

It should be noted that while a higher minimum wage will benefit those low-wage workers who remain employed, it will also push the least skilled, most disadvantaged, and most vulnerable workers out of employment. We should be doing everything to increase employment, not having more people laid off.

We have the health care reform bill—another great example. The Congressional Budget Office estimated earlier this year that the health care reform bill will result in 2½ million fewer workers in our workforce by 2025.

President Obama has also proposed another $1.8 trillion in new taxes in his latest budget proposal. Higher taxes stifle economic growth and cost jobs.

The policies being advocated by the majority party and by the President limit opportunities for working families, reduce economic growth, and prevent the economy from achieving its full potential.

Obviously, getting back to the Keystone Pipeline, the decision to grant the permit for that pipeline is no longer being considered based on policy but based on politics. That is too bad for America's energy consumers and thousands of job seekers who would benefit.

I don't happen to come from the oil patches of Texas, Oklahoma, or North Dakota. There are no oil or gas producers in my State. But I do support an energy policy that is truly ''all of the above.'' I represent farmers and consumers who want access to affordable, reliable energy. I represent Iowans who would rather get their energy from a friend and ally such as Canada rather than Venezuela or unstable parts of the Middle East, where they will take our money and probably use it to train people who want to kill Americans. I represent Iowans who actually know that this oil will be developed regardless of this pipeline, and they know it is just a question of whether it will come to the United States or end up in China.

I represent Iowans who understand the economic and national security impact of this pipeline. They want to see the government get out of the way of this shovel-ready, private-sector infrastructure project.

How many times were we promised in the stimulus bill that we were going to create X number of jobs that were shovel ready? Most of that $800 billion went to public employment, not to shovel-ready jobs. The President even admitted that.

This pipeline is shovel ready. It is time to end the political delay and approve this pipeline.

I yield.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank the Senator from Iowa, who has made the case so well, and I look to his experience on energy issues and ag issues and his understanding of what it takes to truly have an all-of-the-above energy policy. As he said so well, it is not only needed infrastructure but it is jobs.

Here we are, talking about getting the economy going and getting people back to work. This doesn't cost one penny of Federal spending, and it puts people to work and creates hundreds of millions of dollars in revenue to help reduce our deficit and our debt.

So we are talking about putting people back to work, we are talking about energy for this country, we are talking about revenues to reduce the debt, and the administration refuses to make a decision. It is almost beyond belief.

I turn next to the Senator from Alabama, the ranking member on the Budget Committee. He speaks eloquently and often on the need to balance our budget, on the need to reduce the deficit and the debt and to get our spending under control.

So here we have a project that, without spending one penny, will generate hundreds of millions of dollars in revenues to help reduce the deficit and debt while we put people to work.

Those statistics are provided by this administration's State Department. Those aren't our statistics. Those statistics come out of the environmental impact statement put together by the State Department of this administration.

So I turn to the Senator from Alabama, somebody who has led on the need to get this economy going, to create good, quality jobs and to reduce the deficit and debt. I ask the good the Senator from Alabama: Won't this project help do all of those things?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator HOEVEN.

The Senator is exactly right; it will do all of those things. It is a step in the right direction in every area.

I appreciate my leader on the Judiciary Committee and ranking member, Senator GRASSLEY. I would ask a rather simple question of Senator GRASSLEY which ought not to be forgotten in this process. If a pipeline is built and an additional source of gasoline is brought into the Midwest or other areas, if it is not cheaper than the gas that is already being supplied, isn't it true that nobody will buy it?

So won't this mean an opportunity for people in the whole country to be able to have another source of fuel which would be less costly and help bring down costs?

Mr. GRASSLEY. Mr. President, I am glad to yield.

I think that is very basic economics: Increase supply and reduce price.

The other matter is it makes us more energy independent. We spend hundreds of millions of dollars every day to import oil. There is no sense doing that when we can get it right here in North America.

Mr. SESSIONS. I thank the Senator.

I thank Senator HOEVEN for his steadfast, consistent, principled leadership on this important issue. He has been there consistently. I don't think there is any Senator in this body who understands the details of this issue more than he does. It is just a positive thing for America. It just is, and I thank the Senator for his efforts.

We have been reviewing this for 5 years. Legally, as I see this situation, it is this: There is no Federal law at this time dealing with this issue. Presidents have issued Executive orders that created a mechanism to allow the State Department to review a request for a pipeline like Keystone XL. But clearly there is no doubt that Congress has every right to legislate on this issue. Just because we haven't yet, that doesn't mean we never will or never should, and I strongly believe that with the failed leadership of President Obama on this question, we are going to have to pass legislation. It is just that critical.

The Secretary of State has essentially asserted that under these Executive orders the State Department must evaluate the environmental issue. They have dealt with that, and they have satisfied that environmental process. There is the question left of the national interest.

So if we don't have a serious environmental issue—which I don't think we do, and pretty clearly we don't—then the question is: What is in the national interest?

Senator HOEVEN represents a state on the border with Canada, and we have good relations with Canada.

First, I don't think there is any nation in the world with which we need to maintain and enhance our relationship more than with our good partner, Canada.

Second, let me ask the Senator this. The Senator is close to Canada. He knows the situation. If this pipeline is not approved, will it weaken and harm our relationship with our good neighbor, Canada, or will it make it better?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, Prime Minister Harper of Canada has said on a number of occasions how important this project is to Canada. The Ambassador of Canada to the United States is Gary Doer, somebody who was formerly the Premier of Manitoba and somebody I worked with when I was Governor of North Dakota. We worked together for about a decade on all kinds of issues. As the Senator said, Canada is our closest friend and ally, and they are a huge energy producer. And we are producing more energy.

So here is a project which is incredibly important to Canada. It is an opportunity for us to get more energy, both energy that we are producing and energy from Canada, rather than from the Middle East—something the American people very much want. If we don't approve it, what are we saying to our closest friend and ally, when they have said very clearly and repeatedly, this project is very, very important to them?

To add irony to that indignity, they will still produce the oil, but they will be forced to send it to China. So we will import oil from the Middle East and force our closest friend and ally to export their oil to China, creating more greenhouse gas emissions, not less? That is what happens if we don't approve the project.

If the President refuses to do it, then we have the responsibility to step up and do it. Yes, the Senator is 100 percent right that it is not only a project that our people very much want approved but it is also something the people of Canada and the Government of Canada very much want approved. So the Senator is right.

I would yield the floor back to the good Senator from Alabama and encourage him to bring in our esteemed colleagues from South Dakota and South Carolina as well into this important discussion.

Mr. SESSIONS. The Senator is so correct. In my time here in the Senate, this is one of the most inexplicable actions by a President I have ever seen. He has persisted in this after months and years have gone by and when the facts continue to come forward that justify this pipeline—for jobs in America, for lower energy costs in America, for importing oil from our ally Canada, where the people buy a great deal from us. Any wealth that goes to Canada, we can be sure a lot of that will come back to the United States because they purchase a great deal from us. But does Venezuela or Saudi Arabia or other countries that we buy oil from buy a lot from us? No.

So this is a partnership and relationship which benefits both parties. I just am astounded that it has not been approved to date.

The Washington Post editorial board wrote last week that the President's decision to delay the Keystone Pipeline was ''absurd.'' This is an independent, liberal-leaning newspaper that cares about the environment. So it seems the President is clearly acquiescing in favor of special interests.

Senator THUNE is familiar with Mr. Tom Steyer, who a recent Associated Press article characterized as ''a former hedge fund manager and environmentalist, who says he will spend $100 million—$50 million of his own money and $50 million from other donors''—to defeat Republicans to promote environmental issues. He asked for some things if he is going to put up $100 million.

I am not happy about it. I believe the interests of the people of this country have been subordinated to either an extreme environmentalist agenda or to plain money. There is no other rational basis for the position we find ourselves in. It is really tragic.

We need jobs in this country. We have the fewest percentage of people working in America today in the working age group since 1975. Median income has dropped over $2,000 to $2,600. We are not doing well. These are high-paying jobs. It keeps growth and creativity here in the United States and in North America through our partner, Canada.

I am grateful to see others who are so interested in this issue. I feel really strongly we should move forward with this. It is the right thing to do. It is not politics. It is the right thing.

A lot of Democratic members favor this pipeline. Union groups, who tend to be Democrats, favor this pipeline. It is not a Republican-Democratic issue. This is an extremist issue against a commonsense issue. Sixty-two Senators voted for a budget amendment last year during the Senate budget debate that was supportive of the Keystone pipeline.

My good staffer Jeff Wood found a Charles Dickens quote about the fictional ''Circumlocution Office,'' of which Dickens wrote:

> Whatever was required to be done, the Circumlocution Office was beforehand with all the public departments in the art of perceiving—how not to do it. . . . [W]ith projects for the general welfare . . . , which in slow lapse of time and agony had passed safely through other public departments . . . got referred at last to the Circumlocution Office, and never reappeared in the light of day. Boards sat upon them, secretaries minuted upon them, commissioners gabbled about them, clerks registered, entered, checked, and ticked them off, and they melted away. In short, all the business of the country went through the Circumlocution Office, except the business that never came out of it . . .
>
> (Chapter 10 of Charles Dickens' ''Little Dorrit,'' 1855).

In my opinion, this bill would create thousands of good jobs if it is passed and this pipeline is built. It would strengthen, not weaken, our relationship with Canada. It would bring a new

flow of oil into the United States and the Midwest which will provide competition and which would reduce costs. It would be a competitive source of energy for America.

Canada is a good trading partner. They buy a lot from us. The oil will be sold somewhere else if it is not sold in the United States.

By the way, pipelines are everywhere in this country. In my State of Alabama, pipelines crisscross the State. We don't have any problems with this. The idea that we can't build another pipeline in this country is about as ludicrous as one can imagine.

So I thank Senator HOEVEN for the great leadership he has provided. I appreciate the opportunity to join with him. It is the right thing for the people of this country, and we need to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I would like to thank the distinguished Senator from Alabama not only for his outstanding argument but for his passion as somebody who truly cares about getting this economy going.

I would turn to the distinguished Senator from South Dakota and also to the distinguished Senator from Texas, and I would like to ask that they both engage in this discussion, starting with the good Senator from South Dakota.

In South Dakota they understand how to create a good business climate. They have no income tax. They have a strong economy because they understand what it takes to create a good environment so that businesses will invest and grow and create jobs. I would like to ask the Senator how this relates to the discussion of the Keystone XL Pipeline.

To the distinguished senior Senator from Texas—clearly Texas knows energy production—I would ask for his thoughts in terms of how important this infrastructure is for energy development and production in our State.

First, I would like to turn to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Let me just say to my colleague from North Dakota that we would like to have more North Dakota energy in South Dakota, of course, and have the direct benefit of that, but we focus in our State on jobs, and that is what this is all about—jobs, jobs, jobs.

The President's own State Department says that this project would support 42,000 jobs—16,100 direct jobs including construction, and another 26,000 jobs that would be from indirect spending. That is not us. That is not the Senator from North Dakota, the Senator from Texas, the Senator from Oklahoma or the Senator from Missouri on this side saying it would create jobs. That is the President's own State Department saying it would create jobs and $2 billion in earnings—a $3.4 billion contribution to the U.S. economy. When you think about the States that are impacted—the State of North Dakota directly and my State of South Dakota would be traversed by the pipeline—we have a lot of local and State governments that would benefit from this.

They say in the first year of operations it would generate $55.6 million of tax revenue, $17.9 million in my State of South Dakota. When you talk about what that can do in terms of infrastructure, what it can do in terms of providing revenue to build schools, public services, those sorts of things, it takes the pressure off the local property tax owners, area ranchers, homeowners, and businesses. That is another impact.

I would also say to my colleagues on the floor that it would strengthen our energy security. Some 830,000 barrels a day would come through that pipeline. That is half of what we import from the Middle East and about the total of what we import on a daily basis from Venezuela. So if you look at how much we can ship from that pipeline and how much that lessens the dependence we have on areas of the world that are much less favorable to the United States than is our neighbor of Canada, that is a very real consideration in this debate.

Finally, I would say to my colleague, the Senator from North Dakota—and I thank him for his leadership on this issue—that the time to act is now. This has been studied and scrutinized and reviewed more than any project in history—8½ years, 2,048 days as of Tuesday, today, April 29. Five environmental reviews all concluded the pipeline would not have a significant impact on the environment. Just when you thought the process couldn't be dragged out any longer, this administration once again decided to block construction of this project and delay the national interest determination process.

Sean McGarvey, President of North America's Building Trades Union, called this latest move:

> . . . a cold, hard slap in the face for hard working Americans who are literally waiting for President Obama's approval and the tens of thousands of jobs it will generate.

That comes from a labor union leader in this country. The unions want this, businesses in this country want it, and the American people want it by overwhelming margins. The only people who don't want it are some of the President's political supporters who, as the Senator from Alabama has pointed out, are extending hundreds, hundreds of millions of dollars, tens of millions of dollars, $400 million, as the Senator from Alabama pointed out. That is what is holding this up.

It is an offense to the American people to have a project like this that can do so much in terms of job creation and lessening our dependence upon foreign sources of energy and helping millions of Americans who are looking for work and simply being held up by the President of the United States. I hope the Senate Democrats and Republicans would come together to pass legislation that supports this pipeline's being built, whether the President agrees to it or not.

Mr. HOEVEN. Mr. President, I would like to thank the distinguished Senator from South Dakota and turn to our colleague from the State of Oklahoma, certainly a State that understands energy production and understands how vital this pipeline infrastructure is. So with the indulgence of the Senator from Texas, I would ask to return to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the Senator from Texas yielding at this time.

Every time I hear people talking about the jobs at stake here I think about my State of Oklahoma, which probably has more jobs at stake than any other state because Cushing, OK, is the crossroads of the pipeline now throughout America.

Looking at this chart, just over 2 years ago President Obama came to Cushing to give a speech on national TV with all the pipeline in the background. You can see these tubes over there. He talked about how this is a major breakthrough and that we are going to '' . . . cut through the red tape, break through bureaucratic hurdles and make this project a priority, to go ahead and get it done.''

Yet he has done nothing but obstruct this since that time. The southern leg of the pipeline may be finished, but that was part of the project that the President didn't have any say in. The President could do something when you cross international lines, but he could not do it from that point south. The portion between Canada and Cushing is completely stalled because the President has delayed making a decision, as has been said, for 5 years now.

To me the Keystone XL Pipeline is the tip of the iceberg when it comes to the way President Obama thinks about the oil and natural gas industry. Today we heard great speeches from many of my colleagues, and they are highlighting the great impact of the Keystone Pipeline's construction and what it would mean to the economy. We know that it would directly create 42,000 jobs and 10,000 more would be supported by the overall manufacturing materials and processes that are required to complete the project, but the real impact on the President's failure to act on Keystone can be seen in this chart.

This chart shows the potential around this country. These are federal lands. If we were able to develop these federal lands, what all would be involved here? You know, it is incredible that we have a President who talks about being friendly to oil and gas and denies the war against fossil fuels. While we have had an increase in production on State and private land of some 40 percent, on the Federal land

we have had a decrease in production of 16 percent. I don't know how that is even possible, but the midstream infrastructure and the pipelines in particular are one of the most important things we need to fully develop in these resources. We need to be able to move oil and gas from areas where it has been developed to areas where it is refined, processed, and consumed. The need for infrastructure expansion is astounding.

ICF International is a consulting firm, and I think their credibility has been established. They released a report last week that says U.S. companies will need to invest $641 billion over the next 20 years in infrastructure to keep up with the growing oil and gas production. That is just what they know about that right now. If you add to that what would happen if they were able to open all of this and end the war on fossil fuels, look at the potential we would have in this country.

The increase in oil and gas production we have seen in recent years has occurred solely on State and private lands. There are many things President Obama could do to make the numbers far higher. In fact, we could have total energy independence in a matter of months, not a matter of years, if the President were to lift his ban on federal lands.

So the President has continued his war on fossil fuels. The President's efforts have been intently focused on hurting the production of oil and gas resources—be it through stall tactics or efforts to establish complex and confusing regulations on the hydraulic fracturing process. Every way we turn we see President Obama trying to put the oil and gas industry out of business.

The Keystone XL Pipeline is the bellwether of energy policy today. It is a simple decision. I know many of my colleagues have talked about it and have had the information, as the leader of our group has here today, on what we could be doing in this country. Yet there is some kind of assumption that if we don't complete the pipeline, they will stop the process up in Alberta, Canada. They are going to continue, but it is going to be China and other countries that are going to benefit from it. So I applaud the Senator for the great work he is doing. We have to let the American people know of the potential we have right here in this country and develop that potential. I thank the Senator from Texas for yielding.

Mr. HOEVEN. Mr. President, I would like to thank the Senator from Oklahoma for his work on this important issue, and I turn to the Senator from Texas, a State that produces more oil and gas than any other State in the Union, and ask for his thoughts and support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the leadership from the Senator from North Dakota. He has been a champion of this important program that enjoys the support of huge bipartisan majorities all across the country because they understand the importance of energy security. They understand the importance of getting this energy from a friendly country such as Canada. They understand the jobs that go along with it. They understand the need for hard-working American families to have affordable energy, whether it is gasoline, heating fuel or the like. So this makes sense on so many different levels, but I have to say that really the biggest obstacle is the Federal Government itself.

Not approving this pipeline makes exactly zero sense. I know some people are put off a little bit—I would say to the Senator from North Dakota—by the idea of a new pipeline as if this is some novel creation. But just as an exercise in my own personal edification, I happened to Google—or maybe it was Bing or some other search engine—''oil and gas pipelines'' on the Internet, and I was astonished at the huge complex interplay of oil and gas pipelines all across the United States of America. Most Americans aren't even aware they exist because they safely operate, and they move this oil and gas around the country in a way that benefits our economy and creates jobs and helps us put people back to work which is the most important thing we can do.

So we know for the last 5 years, since the great recession, we have had an economy characterized by stubbornly slow economic growth and persistently high unemployment. We have the smallest percentage of people actually participating in the workforce since World War II. We have seen a decline in median household incomes, so average hard-working families have seen their income go down, and we have seen this nagging sense of uncertainty about the future, not just because of the economy but because of the obstacles the Federal Government puts in its way.

I would ask the Senator from North Dakota—I know that North Dakota has had some experience here—by not building this pipeline, what are the other ways that this oil is being transported, and what is the risk and benefit associated with that? People may think this is sort of an either/or—you either have the oil flow or not. But the truth is there are other alternatives, but they are not necessarily in the public interest or as safe as this pipeline might be.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. To respond to the Senator from Texas, of course, by not having a median pipeline infrastructure we are forced to move oil by other means and that means primarily railcars, and it is overburdening our rail system. As you have seen, we have had accidents, and it is just the overburdening of the current capacity of our rail system.

For example, in North Dakota we produce a million barrels of oil a day. Over 700,000 now has to move by rail car because we don't have adequate pipelines. So this is not just about bringing oil from Canada to the United States. It is also about moving oil from States such as Montana and North Dakota to refineries in the most efficient and safest way possible. For example, the Keystone XL Pipeline on the day it opens will take 500 trucks a day off some of our roads in the western part of our State. So it is clearly a safety issue. The State Department says if this pipeline isn't built, to move that amount of oil you would have to move 1,400 railcars a day. That is 14 unit trains of 100 railcars a day. Clearly, we don't have that rail capacity. Clearly we don't have that rail capacity, so we need this vital infrastructure. We can't develop the energy in this country and work with Canada to truly become energy independent without vital infrastructure, which this project represents.

Mr. CORNYN. I know there are other Senators who wish to speak, and I will conclude on this point. It is with some sense of appreciation that I note the two lowest unemployment rate cities and regions in the country are, I believe, Bismarck, ND, and Midland-Odessa, the Permian Basin in Texas. Not coincidentally, those are the sites of some of the shale gas and the oil and gas production we are seeing that is thanks to modern drilling techniques and innovative practices that produce this American renaissance in energy, for which we should be enormously grateful.

This is the way to get our economy back on track. This is the way to extract ourselves from dangerous parts of the world and unreliable sources of energy. And this is the way to get Americans back to work.

I thank the Senator for his leadership, and I am happy to participate in this colloquy. Thank you.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to thank the esteemed Senator from Texas.

I wish to turn to the distinguished Senator from Missouri for his thoughts on the importance of this project and the need for our country to become energy independent.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank my friend for leading this colloquy. I think the Senator from South Carolina, Mr. SCOTT, is going to speak for a few minutes before I do, and then I will be glad to enter into this discussion. It is an important topic. Nobody has been a greater leader on this than my friend from North Dakota, and I thank him for organizing this colloquy, as many of us wish to come to the floor today to speak on this critical issue.

Mr. HOEVEN. Mr. President, I turn to the Senator from South Carolina and I welcome his comments on this important topic.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. I thank the Senator from North Dakota for his strong leadership on that which is obvious to most of us, which is the need to move forward on the Keystone Pipeline.

I was a businessman before I arrived here in Congress and I will tell my colleagues that our goal in business was to do the right thing. As a Senator, I wish to do the right thing for all of the American people. Thanks to the strong leadership of Senator HOEVEN, we have an opportunity to do just that. Yet this administration continues to ignore policies that would help hard-working, hard-hit American families.

I think back several years ago when I was growing up in a single-parent household, and I think about the very difficult choices my mom had to make between food and gas and energy consumption. What a horrible position to put any American family in. Yet every single day we delay a decision on the pipeline, we say to struggling families: Not now, not here, but maybe later. That is not the right message to send on the broader topic of this energy economy.

The fact is, if we factor in incomes under $30,000, 25 percent of that income goes toward energy consumption. What a difficult position to find a single parent in, struggling to make ends meet. Yet we have an opportunity not only to address that issue in the broader topic of the energy conversation but to specifically address the issue faced by millions and millions of Americans, and that is the issue of unemployment.

The pipeline is not an issue of politics, it is an issue of the American people. The fact is that over 42,000 jobs would be created and we would pump billions of dollars into the Nation's economy. Yet the administration simply says—after 5½ years, after several studies—we should wait a little longer, as if we have not waited long enough, with those 42,000 American families who could be positively impacted by going back to work. How long should we wait to see this administration do the right thing?

I support this proposal. I support the legislation. I support congressional action to move this administration into a position where 61 percent of the American people already find themselves. They are already saying, Let's move forward on the pipeline. They are ready to see action on constructing the pipeline because they understand that if we can't solve this simple issue, where there is already bipartisan support, how do we address the deeper challenges in the energy economy?

I don't often find myself in the position to quote from members or even presidents of labor unions. I have to gulp when I make my next statement, because it is so rare, so foreign to me. But I will say that Terry O'Sullivan, general president of the Laborers' International Union of North America, got it right when he said, ''This is once again politics at its worst.''

Here we see an amazing collaboration between labor unions, Democratic Senators, Republican Senators, and conservative groups, all coming together, asking—even begging—the President to do the right thing. I don't know exactly what it will take to get the President to do what he said during a lunch meeting with all of the Republican Senators when he said, Do you know what we should do? By the end of 2013, we should find ourselves with a decision coming out of his office, his administration. Yet this is 2014. It reminds me a little bit of ObamaCare; they continue to move the deadlines.

We need action for the American people and we need action for the American people right now.

Let me close, Mr. President by thinking through where we are today on such a simple decision. I believe 62 Senators in this body during the budget resolution debate supported moving forward on the Keystone Pipeline; is that correct?

Mr. HOEVEN. That is correct.

Mr. SCOTT. I believe we have had a number of votes over the last 2 years where many Senators have said, have voted, and have written letters asking for action on this pipeline. I think that is correct. Yet if we can't solve a bipartisan issue on the pipeline today, how do we start solving the broader issues regarding energy, including offshore energy production? How do we get ourselves into a position, I say to the Senator from Alaska, where we could have a conversation about offshore production? My State could see 7,500 new jobs and $2.2 billion annually added to our economy, and $87.5 million of new revenue generated for my State. But we can't solve the simple, bipartisan-supported effort of the Keystone Pipeline.

I thank Senator HOEVEN for his strong leadership and I hope we will find it possible to move this legislation forward quickly, and let's get it done.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I wish to thank the Senator from South Carolina for putting this issue in very human terms, including what it means for people in this country who want a job. I thank him for his passion on this important issue.

I turn now to the Senator from Missouri for his input on this important issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. I thank the Senator from South Carolina for pointing out that bad Economic Policies have the most impact on the most vulnerable among us, including the number he gave of the percentage of income of families who have less than $30,000 of income a year, how much of that already goes to energy.

The administration says they are for an all-of-the-above energy policy. That appears to be an all-of-the-above energy policy unless we know it works and unless we know it is available and unless we know we could get it, in this case, from a friendly source. Somehow, they are not for that. They are for ''all of the above'' until we really look at what is there and what we know works and what makes our current energy needs met in the best way.

The pipeline is an example of a solution that would decrease our country's dependence on nations we can't rely on quite as heavily. It increases our trading relationship with our very best trading partner. That oil is going to be sold to somebody and a pipeline will be built. The question is, Is the pipeline built to connect to the most logical customer and the best trading partner and come south or does the pipeline go to the west and the oil goes to Asia? This is not about whether the oil comes out of the ground. It is not about whether a pipeline gets built. It is about whether we do that which makes the most sense.

On April 18, the State Department, by the direction of the President, once again, said we are going to wait a little while longer. How many deadlines do we have to blow by? I think it is interesting that in the last couple of months when people have left the administration—when the Secretary of the Interior leaves and is asked about the pipeline, he says, Oh, of course we should build the pipeline. When the Secretary of Energy leaves and is asked about the pipeline, he says, Oh, of course we should build the pipeline. Everybody knows that the logical, commonsense thing to do is to build this pipeline and let us benefit from this energy. It has become an example of a commonsense decision versus regulators out of control—regulators who don't want us to use the resources we have or the resources that are right next to us.

The national security implications of Canadian oil are pretty great and pretty obvious for everybody to figure out. The economic security implications of doing business with somebody who does business with us—every time we send the Canadians a dollar, for decades, they have sent us back at least 90 cents. Every time we involve ourselves in that trade and strengthen their economy, they turn right back around and strengthen our economy. Why wouldn't we want to do that?

Just the cost alone of building the pipeline, talk about a shovel-ready project: 20,000 jobs, not a single taxpayer dollar involved. In fact, the company immediately starts paying taxes to State and local government as that pipeline is extended through communities and almost all of our States. Another 830,000 barrels of oil a day. Roughly 6 percent of all of our daily imports come from this one new source. But, as others have pointed out, that pipeline then becomes available for other objectives as well. A bipartisan determination on this floor has shown that we should obviously build this pipeline.

We constantly talk about private sector job creation. Believe me, it is not just building and producing more American energy that are the jobs created, it is the jobs created when we have a utility bill we can rely on and a delivery system we can count on. People will make things in the United States again. The right kind of American energy policy becomes immediately the right kind of American manufacturing policy.

The pipeline has almost become the tip of the iceberg that everybody has their eye on, but it is an example of the problem that we refuse to do things that will make our economy stronger, make our families stronger, and create jobs in America that have better take-home pay than the jobs that people have seen in the last 5 years. The take-home pay for American families has gone down and down and down in every one of those years when we look at the surveys.

This is a fight worth having. Again, nobody has been more dedicated to that effort than the Senator from North Dakota who understands what a difference energy can make in the State. He saw that happen as Governor. We have seen that happen in the State he lives in. The right kind of American energy policy can provide so many of those exact same benefits for the United States of America. This is one of the easy examples to talk about, out of a volume of examples of the administration clearly headed on a path that makes no sense when we really look at the national security impact, the economic impact, or, most importantly, the impact on American families.

I again thank the Senator for leading this fight.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I thank the Senator from Missouri and turn to our ranking member on the Energy Committee, the Senator from Alaska, who deals with energy issues every day.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I wish to thank my colleague from North Dakota. I have had an opportunity to go to North Dakota and see firsthand how, in Senator HOEVEN's State, they are embracing this energy renaissance we are seeing in this country—a renaissance that is truly allowing us to move forward with jobs and economic opportunity not only for the good of this country but really for the good of so many others.

When we are talking about our neighbors to the north in Canada—or if one is from Alaska our neighbors to the east—there is a recognition that the United States and Canada are really joined at the well, if you will. That is a term I have used quite frequently.

But when it comes to energy issues, there are 17 operating oil pipelines between the United States and Canada. There are another 30 electric transmission lines. There are 29 natural gas pipelines. This is all energy infrastructure that crosses the border with Canada—whether it is into Montana, Washington, North Dakota, Michigan, Minnesota, New York, Vermont, Idaho, Maine.

You have to wonder—you have to wonder—are not these all in the national interest? What is so unique, what is so compelling about this Keystone XL Pipeline that it is not only taking the 5 years of study that has already been done but is now on indefinite hold for yet further study?

So it causes one to kind of go back in time. Let's look at some of the pipelines that have been already determined as being in the national interest.

Back in August of 2009, the Department of State signed off on Enbridge Energy's Alberta Clipper Pipeline. When you look at what they did in signing off on that, it is exactly what we are talking about here with the Keystone XL. It said—and this is coming from the national interest determination on the Alberta Clipper. I ask unanimous consent to have that application printed in the RECORD.

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

7.0 DECISION AND BASIS FOR DECISION

The Deputy Secretary of State has determined that a Presidential Permit will be issued to Enbridge Energy, Limited Partnership to construct, connect, operate, and maintain facilities at the border for the transport of crude oil between the United States and Canada across the international boundary, as described in the Application for a Presidential Permit dated May 15, 2007 and as further amended by the subsequent filings of Enbridge with the DOS and by information incorporated into the Final EIS issued June 5, 2009. The Deputy Secretary also finds that:

Construction and Operation of the Alberta Clipper Project Serves the National Interest—The addition of crude oil pipeline capacity between the Western Canada Sedimentary Basin (WCSB) and the United States serves the strategic interests of the United States for the following reasons:

It increases the diversity of available supplies among the United States' worldwide crude oil sources in a time of considerable political tension in other major oil producing countries and regions. Increased output from the WCSB can be utilized by a growing number of refineries in the United States that have access and means of transport for these increased supplies.

It shortens the transportation pathway for a sizeable portion of United States crude oil imports. Crude oil supplies in Western Canada represent the largest and closest foreign supply source to domestic refineries that do not require, in contrast to other suppliers, many days or weeks of marine transportation.

It increases crude oil supplies from a major non-Organization of Petroleum Exporting Countries producer which is a stable and reliable ally and trading partner of the United States, with which we have free trade agreements which augment the security of this energy supply.

Moreover, the United States and Canada, through bilateral diplomacy and a Clean Energy Dialogue process that is now underway, are working across our respective energy sectors to cooperate on best practices and technology, including carbon sequestration and storage, so as to lower the overall environmental footprint of our energy sectors. The Government of Canada and the Province of Alberta have also set greenhouse gas reduction targets and implementation programs to help them achieve them.

Approval of this permit will also send a positive economic signal, in a difficult economic period, about the future reliability and availability of a portion of United State's energy imports, and in the immediate term, will provide construction jobs.

It provides additional supplies of crude oil to make up for the continued decline in imports from several other major U.S. suppliers.

Construction and Operation of the Alberta Clipper Project Meets Environmental Protection Policies—The DOS concludes that the proposed Alberta Clipper Project, if designed, constructed, and operated in accordance with the Project Description in Section 2.0 of the FEIS, as amended by additional approaches and mitigation measures agreed to by Enbridge as a result of the DOS environmental analyses and as further amended by specific permit conditions contained in the permit and those to be assigned by the state and federal agencies with jurisdiction over aspects of the project along the pipeline corridor, would result in limited adverse environmental impacts.

Concerns have been raised about higher-than-average levels of greenhouse gas (GHG) emissions associated with oil sands crude. The Department has considered these concerns, and considers that they are best addressed in the context of the overall set of domestic policies that Canada and the United States will take to address their respective greenhouse gas emissions. The United States will continue to reduce reliance on oil through conservation and energy efficiency measures, such as recently increased Corporate Average Fuel Economy (CAFE) standards, as well as through the pursuit of comprehensive climate legislation and an ambitious global agreement on climate change that includes substantial emission reductions for both the United States and Canada. The Department, on behalf of the Administration, will urge ambitious action by Canada, and will cooperate with the Canadian government through the U.S.-Canada Clean Energy Dialogue and other processes to promote the deployment of technologies that reduce our respective GHG emissions.

The Scope of the Permit Issued to Enbridge shall extend only up to and including the first mainline shut-off valve or pumping station in the United States. Executive Order 11423, initially delegating the President's authority to the DOS, specifically notes that ''the proper conduct of the foreign relations of the United States requires that Executive permission be obtained for the construction and maintenance at the borders of the United States of facilities connecting the United States with a foreign country.'' Similarly, Section I of Executive Order 13337, further delegating the President's authority, states that DOS has authority for issuance of Presidential permits for the ''construction, connection, operation, and maintenance at the borders of the United States of facilities . . . to or from a foreign country.'' Hence, in reviewing an application for a Presidential permit, the DOS, takes into account the impact the proposed cross-border facility (i.e., pipeline, bridge, road, etc.) will have upon U.S. relations with the country in question, whether Canada or Mexico, and also on the impact it will have on U.S. foreign relations generally. While the DOS also takes into account the various environmental and other domestic issues

mentioned above, DOS does not have, and has never had, authority over facilities, including pipeline, bridges, roads, etc., located entirely within the United States that do not cross the international border with either Canada or Mexico. For these reasons, the Department does not believe that the scope of the permit it issues in this case should extend any further than necessary to protect that foreign relations interest. The permits the DOS issues under Executive Orders 11423 and 13337 routinely include provisions permitting DOS to take possession of the facilities at the border for national security reasons or to direct the permittee to remove the facilities in the immediate vicinity of the international border if so directed by the DOS. Since that is the case, the DOS has concluded that a limitation of the scope of the permit in this case to those pipeline facilities within the United States up to and including the first mainline shut-off valve or pumping station would adequately protect the DOS' foreign relations interest in implementing Executive Orders 11423 and 13337.

8.0 NATIONAL INTEREST DETERMINATION

Pursuant to the authority vested in me under Executive Order 13337 of April 30, 2004, as amended, Department of State Delegation of Authority No. 118–2 of January 23, 2006, and Department of State Delegation No. 245–1 of February 13, 2009, and subject to satisfaction of the requirements of sections 1(g) and 1(i) of Executive Order 13337, I hereby determine that issuance of a permit to Enbridge Energy, Limited Partnership, a limited partnership organized under the laws of the State of Delaware, which is a wholly owned subsidiary of Enbridge Energy Partners, L.P. (''Enbridge Partners'') which is a Delaware master limited partnership headquartered at 1100 Louisiana, Suite 3300, Houston, Texas 77002, to construct, connect, operate and maintain facilities at the border of the United States and Canada for the transport of crude oil between the United States and Canada across the international boundary at Cavalier County, North Dakota, would serve the national interest.

The Presidential Permit issued to Enbridge shall include authorization to construct, connect, operate, and maintain at the border of the United States facilities for the transport of crude oil between the United States and Canada across the international boundary as described in the Presidential Permit application received from Enbridge by DOS on May 15, 2007, as amended, and in accordance with the mitigation measures described in the Environmental Mitigation Plan (and other similar mitigation plans) contained in the FEIS, as amended. No construction or other actions shall be taken by Enbridge prior to Enbridge's acquisition of all other necessary federal, state, and local permits and approvals from agencies of competent jurisdiction. Enbridge shall provide written notice to the Department at such time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted or discontinued.

This determination shall become final fifteen days after the Secretaries of Defense, Interior, Commerce, Energy, Homeland Security and Transportation, the Attorney General, and the Administrator of the Environmental Protection Agency have been notified of this determination, unless the matter must be referred to the President for consideration and final decision pursuant to section 1(i) of said Executive Order.

Date: 03 August 2009.

JAMES B. STEINBERG,
Deputy Secretary of State.

Ms. MURKOWSKI. Some of the things the Alberta Clipper line provided were increasing the diversity of available supplies. It shortens the transportation pathway for a sizable portion of our crude imports. It increases crude oil supplies from major non-OPEC countries. It allows our country to cooperate on best practices in technology. And then, finally, approval of the permit would send a positive economic signal, in a difficult economic period, about the future reliability and availabilty of a portion of U.S. energy imports.

These are not from the Keystone XL Pipeline. This is coming from the Alberta Clipper Pipeline, approved back in 2009, for exactly the same reasons that President Obama should sign off on the Keystone XL Pipeline and sign off now. It is in the country's best interests. It is clearly in the best interests of our friend and ally and neighbor to the north, Canada.

I think we recognize there is so much opportunity for us. But we need to get out of the way of the stops and the hurdles that have been placed by this administration—limiting our jobs, limiting our economic opportunities, and truly working to restrict our energy independence.

With that, I yield the floor, as I know several other colleagues wish to speak in the time remaining.

Mr. ENZI. Mr. President, I rise today to again express my great disappointment about a matter of importance to our Nation—the administration's decision to put off a decision to start building the Keystone Pipeline so they can do a little more study and review—again. It is getting to be like watching a rerun of the same show—over and over and over again.

How many times have we been through this? I have lost count. Time after time momentum seems to build to finally approve this project so we can reap the benefits that will come from the pipeline—namely, the jobs that will be available to people who need them and the boost to our Nation's energy supplies that will help to bring some certainty to our energy policy.

Well, we can forget about those benefits in the near term. The administration has once again spoken with certainty that they aren't certain about what they want to do—they just know they don't want to do it now. If one is supportive of the pipeline one can still hope it may happen someday. If one is opposed to it, one can be assured that ''someday'' won't happen anytime soon.

I think there is more of a political reason than a practical reason for this delay. After all, there have already been 5 years of studies that have reaffirmed the benefits of building the pipeline now.

That isn't all. The State Department reviewed the proposal and found that it was the safest way to transport the oil. Most pipelines require a presidential permit that is issued after an 18-to 24-month review process. We did that. In fact, the first leg of the Keystone XL pipeline took 21 months to obtain approval. Most times that would be a cause for optimism. Not this time. We are 5 years down the road and we are still awaiting the start of construction.

Instead of spending this week on misguided legislation that will actually discourage new hiring and harm the job prospects of long-term unemployed individuals, we should be doing everything we can to encourage the creation of new jobs and the growth of new business opportunities. According to the State Department, the Keystone XL has the potential to create 42,000 jobs with good wages that will help to get the economy going again, strengthen our energy supplies, and put those 42,000 individuals further along the road of living the American dream and supporting their families. What is not to like about that? Plus, it will accomplish all that without raising taxes or increasing our crushing national debt. In fact, this would increase revenues—jobs increase revenues, sales increase revenues. More people driving to work also creates more money for highways.

Getting this massive private sector job creator moving into high gear is a win-win for all Americans. Unfortunately, it hasn't happened yet and the White House has decided to step in again and once again delay the project for political reasons. Instead of supporting a job creator, the administration is putting up a job barrier. We deserve better. We deserve an administration that is willing to work overtime to lead us out of this dismal time of long-term unemployment—a slump that shows no signs of ending soon.

That isn't the only reason why we need to take action on this immediately. Haven't we all spoken time and time again about the need to do something to reduce our dependence on sources of energy from unstable countries? This pipeline will help us to do that.

The administration's own Department of Energy stated in a June 2011 memo that Keystone XL would lower gas prices in all the markets in the United States. Flipping the XL switch from ''standby'' to ''on'' should have been done years ago. It is a no-brainer that calls for action—not more thought, reflection, meditation, consideration, review, and planning—and who knows what else.

The record is clear. We have been told time and time again that a decision on the pipeline was ''in the pipeline'' and would be coming our way shortly. In March of last year the President told us that the final decision as to whether or not he would approve the pipeline would reach us by year's end. We never heard from him.

Before that, Secretary of State Hillary Clinton made a promise that we would have a decision on the status of the pipeline by the end of 2011. We never heard from her, either.

That is unacceptable for so many different reasons. We need the jobs. We

need the energy. We need the certainty that comes from knowing whether this project will be completed or not.

The resources this pipeline is intended to carry will be developed whether the administration approves it or not. Doesn't it make sense by having the United States of America receive the benefit of all that energy instead of our competitors?

We have an alternative before us. The senior Senator from North Dakota has a new bill that I am cosponsoring that would recognize the final supplemental environmental impact statement and give approval to the Keystone XL Pipeline. It will put the Senate on record and recognize the need for the pipeline and all the benefits it will provide. It has strong bipartisan support and should move forward with all deliberate speed.

There is an old saying that reminds us that he who hesitates is lost. We have been hesitating for years and have nothing to show for it but lost time. We have a chance to change things and put ourselves on the right side of this equation. It is time to do it—now! Let's leave yesterday behind and move forward to tomorrow by taking action instead of putting it off again for another round of thoughtful gazing and reflection while our problems grow more serious and our options start to diminish.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I have conferred with the good Senator from Illinois and beg his indulgence. He has offered 3 minutes for each of our remaining speakers. I thank him for that and ask for the Chair's indulgence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. I thank the Chair.

Mr. President, I again thank the Senator from Illinois and turn to the Senator from South Carolina for his thoughts on this important issue.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank you.

I have been to the Canadian oil sands that I would recommend every person in this body go visit. The Canadians are being very environmentally responsible when it comes to extracting the oil sands product. This is an equivalent to a Saudi Arabian oil find from our Canadian friends.

Here is the choice and here is the debate: They are going to sell the oil to China or they are going to sell it to us. How many people in America really have a hard time figuring out what we should do? It is not as though the oil is not going to be sold and extracted from the ground. It is going to be sold to us or the Chinese. If we buy oil from Canada, it is like buying oil from your cousin. We trade with the Canadians. They are very reliable partners. It is less oil to buy from Russia and Venezuela, and you can go down the list.

What is at stake here is that the people who object to this pipeline—I do not doubt their sincerity—would not allow us to buy oil from anybody or explore for oil here at home. The people objecting to this pipeline do not have an all-of-the-above approach when it comes to American energy. If you left it up to them, we would be doing windmills, solar, no nuclear power.

So the President of the United States has turned this issue over to the most extreme people in the country when it comes to politics. They are trumping the unions. They are trumping the former Presiding Officer. They are locking down developing an energy source that we need as a nation. I really regret that the President has let them take over this issue at a time when we need more oil from friendly people and less oil from people who hate our guts.

Dirty oil to me is buying oil from people who will take the proceeds and share it with terrorists. This oil content from Canada is slightly greater in carbon content than Mideast sweet crude, the same level as oil we find off the coast of California, and has less sulfur. So the environmental argument does not bear scrutiny.

At the end of the day, we are not going to get this oil from our friends in Canada because of the upcoming elections. President Obama is afraid of turning off environmental support so he has turned off the pipeline—very bad for America.

I yield.

Mr. HOEVEN. Mr. President, I thank the Senator from South Carolina and turn to the esteemed Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from North Dakota, and I acknowledge and thank the distinguished majority whip for allowing us extra time to talk about a subject he would probably prefer us not to talk about, but I appreciate it very much. So I will be very brief and succinct.

For this administration and our country not to build the Keystone Pipeline or delay it is at best professional malpractice. There are three reasons for that.

We are a country that 40 years ago was held hostage by OPEC. We had our parents waiting in line to fill up their cars. Businesses closed because there was no oil supply, and prices went through the roof.

With the Keystone Pipeline and its capacity added to the Marcellus and the Haynesville shale, America will truly be independent in its energy and never be held hostage again by someone like OPEC. That is No. 1.

No. 2, it is important for our diplomacy around the world. Soft power is always preferable to hard power. And one of the best soft powers you can possibly have is having energy. Think about it for a second.

If Russia were not a factor in Ukraine because America could supplant their natural gas, think what that would do to what is happening right now in that part of the world. We need it for our soft power and for our diplomatic power.

Lastly, it is environmentally the thing to do. That oil is going to be refined somewhere in the world, and it is going to be delivered in some way. The safest and most environmentally sound way to deliver it is in a pipeline, No. 1. The best country in the world to refine it is the United States of America, No. 2. And, No. 3, and most importantly, it is environmentally sound because you keep trucks off the road, trains off the track. The oil goes underground. It does not generate any carbon and go into the global warming or any other part of our environmental threat.

It is the right thing to do, and it is professional malpractice for us not to be doing it for our people, for our country, for our diplomacy, and for peace around the world.

I thank the distinguished Senator for the time.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank the good Senator from Georgia, who is putting forward common sense.

I would like to turn, in closing, to the Senator from Wyoming, who is a senior member of the energy committee and truly understands energy issues.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it seems the President's decision is absurd, to delay the Keystone XL Pipeline. That is not just me saying that. That is the Washington Post, Thursday morning, April 24: ''Keystone XL's absurd delay. President Obama should approve the pipeline project now.'' They say:

> If foot-dragging were a competitive sport, President Obama and his administration would be world champions for their performance in delaying the approval of the Keystone XL pipeline.

They go on to say:

> The administration's latest decision is not responsible; it is embarrassing. The United States continues to insult its Canadian allies by holding up what should have been a routine permitting decision amid a funhouse-mirror environmental debate that got way out of hand.

They conclude by saying:

> The president should end this national psychodrama now, bow to reason—

Think about that: ''bow to reason''—approve the pipeline and go do something more productive for the climate.

That is not just the Washington Post. We see also the Wall Street Journal, on Wednesday: ''Keystone Uncensored.'' They talk about a labor leader calling the administration ''gutless,'' ''dirty,'' and more.

So why would a union leader—who endorsed President Obama in 2008 as a candidate, endorsed him again in 2012—why would he say this? He actually went on to say: ''It's not the oil that's dirty, it's the politics.''

To get an answer to that, you have to look at an article that Politico ran last Thursday called ''The left's secret club.'' It said:

Some of the country's biggest Democratic donors—including Tom Steyer . . .—are huddling behind closed doors next week in Chicago to plan how to pull their party—and the country—to the left.

The meeting will be held in the ballroom of the Ritz-Carlton. Politico describes the group as ''a secretive club of wealthy liberals.''

So who is Tom Steyer? Well, he is a hedge fund billionaire who has said he is hoping to spend at least $100 million to defeat candidates who support the Keystone XL Pipeline and who oppose his extreme environmental agenda.

I want to be absolutely clear. There is nothing wrong with legal participation in elections. If a hedge fund billionaire like Mr. Steyer wants to spend his money talking about his views, he is free to do it. I disagree with his views, but I would never come to the floor of the Senate and denounce him as un-American. But that is exactly what the majority leader, Senator REID, has done, repeatedly coming to the floor to criticize and demonize people who do not share his views. I have not heard Senator REID demonizing Tom Steyer or any other wealthy liberal donors.

According to Politico, the majority leader was actually scheduled to attend a fundraising dinner at Mr. Steyer's home a few months ago.

So the coincidence, to me, of the administration's announcement right before this big liberal political event remains suspicious. The silence of the majority leader about one person's spending when he has been so outspoken about the spending of other people is certainly suspicious as well.

Maybe that is what the union head meant when he said: ''It's not the oil that's dirty, it's the politics.'' Whatever the reason, the important thing is that President Obama continues to turn his back on thousands of middle-class families in desperate need of jobs.

That is what needs to change. The administration and this body, controlled by Senator REID and the Democrats, can no longer put politics ahead of policy substance. It is time for the administration to do the right thing and to approve the Keystone XL Pipeline no matter what the Democrats' secretive billionaires say.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I will close.

It is time for the Senate to vote on this important issue.

With that, I will turn to the Senator from Illinois and again thank him for the additional time.

I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Illinois.

Mr. DURBIN. Madam President, I have listened, as my friends—and they are my friends—and colleagues have come to the floor to talk about the Keystone XL Pipeline.

It turns out that what America needs more than anything else—more than an increase in the minimum wage, more than paycheck fairness so that men and women are paid fairly in the workplace—more than anything else, we need one more pipeline coming in from Canada.

If you listen to the other side, you would think the jobs that will be created by the Keystone XL Pipeline will finally turn this economy around.

How many jobs are we talking about? Madam President, 2,000—2,000 construction jobs? That is at the high end of estimates I have heard. How many jobs at the refineries in Texas to process this oil and ship it overseas? It is not for sale in the United States. I am not sure. But it really is amazing to me that they continue to focus on Keystone XL as if it is the only issue when it comes to the American economy.

Here is what I find particularly curious. For the record—and I am glad my friend, the Senator from North Dakota, is still in the Chamber—the Keystone XL Pipeline is not the first Keystone Pipeline. The first Keystone Pipeline, from Alberta, came into the United States and ended up in Wood River, IL, at the Conoco refinery. It is shipping Canadian tar sands down to be refined at the Conoco refinery. And then, after it is refined, in a pipeline it is distributed all across the United States.

If no Keystone XL Pipeline is ever built—and I do not know whether it will or will not be—there will still be a steady flow of Canadian tar sands into America for refining.

Just this week, Senator KIRK and I met with the North American president of BP. They have a huge refinery in Whiting, IN, at the south end of Lake Michigan. They are refining Canadian tar sands into oil that can be sold in different products.

I asked the head of the North American operations for BP what is going to happen to that refinery when it comes to Canadian tar sands? He said: We are going to triple—triple—our capacity to deal with Canadian tar sands. He did not say contingent on the Keystone XL. Because, you see, there is a vast network of pipelines moving Canadian tar sands to the United States already, and they are already going through a refinery—many of them—even the BP refinery in northern Indiana.

So this notion that we are somehow turning off the Canadian tar sands coming into the United States—if someone is suggesting that, I would ask them to bring proof to the floor. We are not.

What the President is doing is trying to make a decision on what is best for this country and our economy. He is trying to weigh it in a thoughtful manner. There is an element that needs to be part of this record. The President is trying to take into consideration the environment. I think he should. I think it is his responsibility.

We had a debate several weeks ago on the floor of the Senate. It was about global warming and climate change. It went on through the night. Many of my Democratic colleagues stayed up all night to talk about it. BRIAN SCHATZ of Hawaii, SHELDON WHITEHOUSE of Rhode Island spoke at great length with their colleagues about the issue.

I came up early in the debate and simply made one point. I believe the Republican Party of the United States is the only major political party in the world—in the world—that denies climate change and global warming. I have asked my colleagues on the other side of the aisle to give me an example. Tell me where I am wrong. Somebody said there may be a party in Australia. That is where they have to reach to find any other political party in the world that agrees with their position on global warming and climate change. So it is no wonder when we discuss energy and the future they do not want to talk about what is happening to our environment, the extreme weather situation we are even seeing this week, the devastation from storms in a magnitude we have never registered since we kept records.

What the President is trying to do is to take into consideration not just energy but also our environment, so ultimately we leave a world to our children and grandchildren which is safer and cleaner than the one we have today. My friend the Senator from Wyoming, Mr. BARRASSO, came to the floor and talked about what he called a highly secretive, high-level meeting in Chicago, and then he proceeded to say at what hotel it was being held. It is not much of a secret if he knows where it is being held.

It is true there are meetings of people who oppose the Keystone Pipeline and support candidates who oppose it, as there are meetings of those who support the pipeline and support the candidates who join in their position. That happens to be the nature of the political scene. He even suggested that the person opposed to the pipeline was going to put $100 million into this campaign.

I, for one, would like to see an end to big money in our political campaigns. I would certainly like to see transparency and where it is coming from and how it is being spent, but the reality is, the Citizens United decision from the Supreme Court across the street changed the rules and people can play with big money now, a lot of their own.

What he did not mention were the Koch brothers. I would like to mention them for a moment because they are relevant to this discussion about Canadian tar sands and the Keystone XL Pipeline. The Koch brothers are very wealthy, billionaires. They come to play when it comes to the American political scene. In the last cycle, we were able to identify over $248 million these two brothers spent on political causes and campaigns around the

United States, and we are told they are going to spend considerably more than that this time around.

Do the Koch brothers have an agenda when it comes to this issue? Let me give an illustration. It was about 3 months ago that I went into the southeast corner of the city of Chicago, an old steel mill neighborhood, which happens to be in the neighborhood where Barrack Obama, fresh out of college, was a community organizer. They are modest homes, frame homes, primarily Hispanic and African-American populations.

They called me down to this section, the southeastern section of the city of Chicago, to show me something. What they wanted to show me were piles of black soot. It is called petcoke. Petcoke is what is left after you take the Canadian tar sands, ship them through the pipeline to a refinery, making diesel fuel, aviation fuel and gasoline. What is left over, this black gunk substance called petcoke.

It turns out that the BP refinery was selling the petcoke to a company owned by the Koch brothers. The Koch brothers were shipping this petcoke into the neighborhoods of Chicago. The mothers with their kids were calling me to their homes and schools to show me what happened when the wind blew. When the wind blew, this nasty black stuff flew through the air. It was all over windowsills and buildings, nasty as can be.

The city of Chicago is doing something about it. They are kind of changing the equation in terms of petcoke and what you have to do to store it. But if the other side is coming to the floor and saying our people are pure of heart, they just want to see the Keystone XL Pipeline, the fact is, the largest benefactors to the Republican Party in the United States today, the Koch brothers, have a financial and commercial interest in these Canadian tar sands, at least in the disposal of this petcoke. The way they were doing it in the city of Chicago was the height of corporate irresponsibility—just pile it and let the wind blow it across the neighborhood. It is going to be criminal when it is all over after the city of Chicago changes its laws to prohibit this kind of conduct.

But those are the things that are at stake in this conversation. I hope at the end of the day the President makes the right, thoughtful decision, not just in terms of energy but in terms of our environment, does the best thing for America. I hope we also understand that if we do nothing with the Keystone XL Pipeline, we are still going to face the challenges with Canadian tar sands, coming down through the United States, being refined and sold in our country and around the world. It is a challenge we have to face honestly.

I may disagree with some of my colleagues on the other side. I believe that if we want to leave a world for future generations—our kids, our grandchildren—that is a cleaner and safer world, we have to accept some responsibility in our generation, in our time, to clean up the mess of this environment. It may call for some sacrifice as individuals, as families, as businesses, but I do not think it is too much to ask.

God gave us this great world and asked us to keep an eye on it for the next generation. Are we going to do it or will we ignore it and say: If there is money to be made, we can start bringing in any source you wish. That to me is irresponsible.

TRIBUTE TO DR. JERRY UMANOS, JOHN GABEL, AND GARY GABEL

Madam President, Robert Kennedy once said, ''The purpose of life is to contribute in some way to make things better.'' Around the world and here at home, dedicated American citizens are living by this principle, trying to improve the lives of those in greatest need. Sadly, on April 24, we lost three Americans from my home State of Illinois who were killed at the Cure International Hospital which focuses on maternity and pediatric care in Afghanistan: Dr. Jerry Umanos, John Gabel, and his father Gary Gabel.

Both John Gabel and Dr. Jerry Umanos were working to help the Afghan people receive health care. In a country still coping with the legacy of decades of terrible conflict that devastated the medical infrastructure of Afghanistan, they were helping by volunteering to address the real needs of the Afghan people and improving the lives of those whom they assisted.

This is Dr. Jerry Umanos. His picture is an indication of this young, dedicated, idealistic man who lost his life. He was dedicating to helping kids. After he finished his residency at the Children's Hospital of Michigan, he could have made some money with his training, but instead he decided to help those who needed a helping hand.

He worked for years at an amazing place that I have visited, the Lawndale Christian Health Center in the city of Chicago. It is one of those neighborhood health centers which makes you feel good about the world, where great professionals, such as Dr. Umanos, give of their time, make very little money, and help the poorest of the poor.

He was an important part of that community. They loved him, not only his patients but his colleagues as well. He worked to help so many in Chicago who otherwise did not have a chance for quality health care. He followed this calling to Afghanistan where the needs of people were even greater. He was dedicated to making a difference there by helping the Afghan people, by teaching, by making certain that the next generation of Afghans had a better life. The breadth and depth of his work is a testimony to his love for and commitment not only to the people of Afghanistan but to the needy. What a loss that his life was taken from us.

John Gabel was a man who cared for others and made a real difference in the lives of those he touched. He used his skills to run a health clinic in Afghanistan and to help address the glaring needs of health care with the Afghan people. John was working in other ways to help build a better tomorrow for the people of Afghanistan. He used to teach at Kabul University, where he was remembered as a great teacher and a great friend.

He used his expertise in computer science, not to enrich himself but to teach others. Perhaps it is not surprising that John was so focused on helping those in need when we consider the example of his parents Gary and Betty Gabel, who also dedicated their lives to others. Tragically, Gary Gabel, who was visiting his son and his family in Afghanistan, was lost as well in the senseless shooting.

Gary Gabel helped his community in and around Arlington Heights, IL. He was an active member of his church. He had a commitment to helping those most innocent and vulnerable members of society, our children. He worked with church youth groups. He provided a strong model to his community and his family of a man committed to helping others. I am sure my colleagues join me in expressing our heartfelt condolences to the families and loved ones of those lost and injured in this tragic attack, as well as the countless people whom they helped, all of whom join us in mourning their loss. They represent the best of who we are as a people and make this world a better place.

MINIMUM WAGE

Tomorrow, we are going to have an important vote. It is a vote that is going to be watched carefully by over 1 million workers in the State of Illinois and millions across our Nation. The question is whether the United States of America and its government will increase the minimum wage for workers all across the country.

It is an important vote. It would raise the Federal minimum wage from $7.25 to $10.10 in three steps of 95 cents each. If we pass it this year, the final increase would occur in the year 2016. This is a 39-percent increase in the minimum wage, roughly the same percentagewise as the last minimum wage bill we enacted over the same period of time. It provides for automatic future increases in the minimum wage based on the cost of living so we do not have those lurches from one level to $2 or $3 above it.

It raises the minimum wage for tipped workers for the first time in more than 20 years. People find it hard to believe that under Federal standards, tipped workers receive $2.13 an hour as their base wage. They are expected to make up the difference with their tips. We raise it to 70 percent of the minimum wage, phased in over 6 years. We extend some business expensing rules to help businesses invest in their equipment and what they need to grow the business. We do this in a fashion to incentivize small businesses to grow.

This increase in the minimum wage brings us down to a very fundamental

question as Americans. The fundamental question is this: If someone is willing to get up and go to work and work hard every single day, should they receive a compensation that lets them get by so they do not have to survive from paycheck to paycheck or should they be put in a position where the only way they can survive is with government assistance—food stamps, SNAP program, child care subsidies—things that we provide as a government to people in low-income categories?

Keep in mind, we are talking about workers. You see them in Chicago early in the morning. They are the blurry-eyed travelers on those buses heading off to the workplace. They are the ones we see on the trains, quietly moving from their homes to where they work and repeating the reverse journey every single day as they head back home at night.

Can you imagine the frustration of going through that day after weary day and never, ever catching up, living paycheck to paycheck, falling further and further behind? That is what is happening to too many of them. It is amazing to me when we hear the critics of minimum wages step forward. In our State of Illinois there are two prominent politicians, both of them happen to be multimillionaires. Their views on minimum wage are amazing to me. One of them, who made $53 million last year, said he adamantly opposes raising the minimum wage. He made $53 million last year. He adamantly opposes raising the minimum wage.

Another one of them who is worth millions of dollars himself has said: I will agree to raise the minimum wage but only for people over the age of 26.

He just eliminated half of the people earning the minimum wage in America today who happen to be under the age of 26.

Let's think about the people whom he wants to keep on a subminimum wage. It would include all college students under the age of 26 trying to work their way through school. He would want to give them a subminimum wage. It would include single moms raising their kids—the moms being under the age of 26, they would get a subminimum wage—and it would also include veterans coming back, struggling to find a job. If they haven't reached the age of 26, he would give them a subminimum wage.

I have one basic question: What are these politicians thinking? Have they ever left where they live and where they work and met up with some people who are struggling paycheck to paycheck to get by?

Tomorrow we have a chance on the floor of the Senate to raise the minimum wage, but we cannot do it with Democratic votes alone. If there will not be five, six or seven Republicans who cross the aisle and join us in this debate, it will fail—and that will be a sad day—because for a lot of these workers this is their only hope that they will get a decent increase in the minimum wage through the law.

I hope my colleagues on the other side will take into consideration that so many of these workers are women and so many of them are even over the age of 35 and still rely on minimum wage jobs. These are not lazy people. These are hard-working people, people who are working hard every single day for a paycheck that they know is not going to cover their expenses every single week.

It is time we give them a chance and give them a break. It used to be—and I can remember it very well—a bipartisan issue to raise the minimum wage.

President Ronald Reagan, when he was President, raised the minimum wage. He understood it. If you value work and you value working people, you should give them a wage which respects the integrity and decency of work. That is what this is about. That is what this minimum wage is about tomorrow.

Without the help of Republicans, it will fail. If it isn't done on a bipartisan basis, it will not go forward.

I might add one other item. A minimum wage is injecting into the economy literally millions of dollars of purchasing power. People who are living paycheck to paycheck spend those checks as fast as they can for food, clothing or shoes, paying the utility bills, paying for a cell phone, putting gas in a car. That money goes right back into the economy.

I ask my colleagues on the other side of the aisle, tomorrow break with some of the extreme people in your party, join us in a bipartisan fashion and raise the minimum wage. It is only fair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Before the Senator leaves I would like to ask him a quick question if I could. I know he talked toward the end of his comments—and I am going to speak on minimum wage also—but he mentioned President Reagan. I think the last time minimum wage passed was under President Bush, again a bipartisan approach; is that correct? I wasn't here during those times, but I know the Senator has served in Congress a long time.

Mr. DURBIN. I respond through the Chair to the Senator from Alaska.

There was a time when there wasn't that much controversy associated with this. We knew that we waited too long. People had fallen behind in their earning potential. We had to pick the right number. We came up with it and moved forward on a bipartisan basis. But now things are so partisan and so poisonous in the Senate that even something as basic as raising the minimum wage for hard-working families turns out to be a political lift.

Mr. BEGICH. The $10.10 wage is just getting to the poverty level. That is what I understand and why I cosponsored this legislation.

Mr. DURBIN. It basically does for some, but what I found though is if you are a family with two kids, for example, you have to make almost $15 an hour to get beyond the poverty level. We are talking about $10.10 phased in, and many of those people will still qualify for a helping hand from the government because they are still in very low-income categories.

Mr. BEGICH. Thank you for giving me a moment to ask those questions.

I rise to address an important issue—just as we were asking some questions back and forth—that would help 49,000 Alaskans, raising the minimum wage. The bill before us would increase the minimum wage to $10.10 an hour.

The minimum wage, as mentioned by my colleagues a little earlier, has lost its purchasing power by one-third over my lifetime. The increase will lift millions of Americans out of poverty, reduce their reliance on the safety net, and literally pump billions more into the economy.

I know I look at this a little differently. I come from the business world. I come from the small business world. My first business was at the age of 14. I have been in it ever since in some form or another. You can probably name the business—retail, real estate. I have been a publisher. I have owned different companies, and I have even owned a small, very small, percentage of a restaurant. I felt like I was a 100-percent owner at one point because it is a tough business. I was in there moving the slop buckets and doing a remodel to the kitchen on a Saturday night. I am there like everyone else working double time and trying to make sure we get the job done.

My wife is a small retailer. Her business is selling smoked salmon on a counter or a cart—no bigger than two of these desks—and building her business now to 5 retail stores, 30-some employees. I might note none of our employees are paid minimum wage. They are paid above minimum wage.

I know some people are concerned minimum wage will cut into their business. There is no question in my mind what it does; that is, when we increase the minimum wage, it is actually good for business because we help consumers have more resources to put into the economy that then churn back into the business world.

Along with this bill another provision a lot of people don't realize is the minimum wage is one piece, a pretty significant piece but also a provision that I requested be put in this bill, what they call a 179. It is a business tax deduction, something that is important for businesses that are growing, expanding, building new business, small businesses mostly.

This is the No. 1 priority of the business community that I talk to, not the politically driven business communities but the ones that actually do business and actually work with small businesses, the ones that look at their local communities and try to figure out what is important in legislation. One is to make sure they can write off

some of their improvements in an expedited way which, in turn, puts more money into the business for reinvestment. That is another piece of this bill.

So it not only has an important part for the hard-working folks who are making minimum wage to raise that amount, but it also helps the hard-working small businesses ensure that they can continue to put money back in their business, grow their business, expand their business, and then receive some benefit from that.

As we know, we look at the whole issue in Alaska a little differently. Our minimum wage is 50 cents higher than the Federal level, $7.75. There is a reason: Because it is very expensive, similar to the Presiding Officer's State. It is not cheap in our two States, Hawaii and Alaska. The cost of living is much greater. In order for folks to have a decent living, we pay a little bit more, and we play it off of the Federal legislation, but still it is a problem in keeping the wage competitive to the cost of living.

When we look at Alaska and we look at the cost of living in Alaska—Anchorage specifically is 30 percent higher than the average cost of living in this country and Fairbanks is 40 percent higher. Again, having this higher ratio for us is very important.

It doesn't mean all the time that a dollar still goes far. When we look at the whole country, in terms of buying power, what you can buy for the dollar you earn, Alaska has 3 of the cities in the bottom 11. When you look at the whole list, there are 11 at the bottom. Alaska has three of them: Juneau, Kodiak, and Fairbanks, because their dollar can't go far enough. That is why raising the minimum wage will help them be able to purchase more and enjoy a better quality of life.

I will say Alaskans, similar to Hawaiians, know challenges, and we have tough jobs because we are kind of isolated lots of times and sometimes forgotten that we actually exist in the Union. And we have to make that point more than once. But it doesn't matter if we are doing the drilling in the Arctic, which is a great challenge, or fishing for crab in the Bering Sea, which is an unbelievable test of someone's capacity and ability, but we know how to overcome challenges. We just don't want more challenges.

A minimum wage increase will help reduce some of those challenges. The minimum wage is truly, at the rate it is today, an obstacle to try to get people moved forward because we don't have it at the rate it should be. The $10.10, in a lot of minds, is an easy step over a 2- to 3-year period, and it is honestly one we can fix. We can fix it tomorrow. We just need a bipartisan approach as it happened under the Reagan administration, it happened under the Bush administration. Again, to remind folks who may not be familiar with those two Presidents, they were Republicans. We did it, and I wasn't here, but Democrats and Republicans sat down and said: Let's figure this out because it is important for the working people of this country who are working hard every day.

Another group it impacts in my State of 49,000 Alaskans is 1,700 veterans—veterans in our country, veterans in my State who will get a boost.

What does that mean? When you calculate by family members, it is about 3,000 families of veterans will benefit from raising the minimum wage. As I said earlier, it is 49,000 Alaskans, and this is one subset. More than half of the Alaskans are women. About 5,000 Alaskans will be boosted right out of poverty with this change, and it means they will be on less government programs such as food stamps.

I would think we are all here to try to make government run more efficiently, improve the economy, and create jobs. That is what we do every day, we attempt to do every day, and we do every day. If we can get people above poverty, that means fewer government programs, which means fewer government tax dollars, which means they are living on their own and they have their own capacity to make it in this world.

One would think this is a unique opportunity for Democrats and Republicans to be joined together. Why wouldn't we want fewer people on food stamps because they are making a living now and able to take care of themselves? That is what we all work toward, to have the American dream to buy that home or live that quality of life, have that great education, all the pieces to the equation.

Again, I cannot believe we are having a struggle trying to get just a few votes. We don't want them all. We get there are some who are opposed to anything about the Federal Government, but why not support this effort to raise people up as President Reagan thought about and President Bush thought about.

It is this moment, giving these people a fair shot, a fair shot to have their American dream come true; $10.10 doesn't seem like a big stretch, but it seems today it is by some politicians.

In fact, when we look at this—and I know the complaint on the other side is this will hurt business. Again, as I said earlier, this is good. You are talking to someone who is a small businessperson, who pays above minimum wage. I understand the value of making sure my employees, my wife's employees, have a good, decent wage, because when they leave the workplace, when they get their paycheck, they will spend it in the economy. That will help grow the economy.

I know some will talk about the CBO report and all of these government reports, but let me put it this way. The last two times the minimum wage has been raised, the economy didn't collapse, people weren't fired—actually, the economy grew. So I don't understand that comment and debate.

I know they will whip out these reports, and I am appreciative of those and the work CBO does, but I can only go by history and what has happened. If we raise the minimum wage, jobs are great, economy grows, and the next issue is businesses are reinvesting because they have more customers, which means more customers more profit. More profit means more investment. This is not only a fair shot for the people working, it gives an opportunity for small businesses and businesses across this country.

To put it in perspective for my colleagues who have never been in small business or have not run a business, the reason you hire people is because you have demand. Demand is created by expenditures, expenditures by consumers.

The reason you lay off people is because demand has gone down because there are not expenditures by consumers. Raising the minimum wage gives more opportunity, more investment, more people making money, and more return.

Let me give some national statistics. Again, this is about making sure we give every American, especially those making a minimum wage today—a raise in their minimum wage, to give them a fair shot to be part of the American dream.

The bill will help 30 million Americans earning an additional $51 billion to put back into the economy over the next 3 years by this raise—huge. The family who today can't afford the new car can now maybe look at a new car or maybe they are choosing between groceries and paying their heating bill. Now because you are raising the minimum wage they have an opportunity to pay these bills and enjoy life a little bit more.

The higher minimum wage will also help 12 million people in our country to get out of poverty. It could lift 4.6 million out of poverty immediately.

This is about empowering families, giving them a fair shot, a chance again to achieve the American dream, helping parents to make ends meet and to raise children in a healthy home and an opportunity for them. More than a one-fifth of all children in our country have a parent on minimum wage; 56 percent on a national level are women making the minimum wage.

Right now, thousands of Alaskans work full time—maybe extra work on the side—but still struggle to put food on the table. It is wrong. That is why raising the minimum wage will be helpful to those families. It saves the government money by helping people get off food stamps. Also, higher wages would cut, as I said, food stamps, they estimate by $4.6 billion a year. We have been very good at moving the deficit down—a $1.4 trillion deficit annually, down a little over $500 billion and continuing to go down. I think we all want to see that deficit go to zero.

The way we do that is with programs such as this that engage the private sector and their responsibility, at the same time lowering costs for the government. Also, an interesting statistic

is that it also increases the wages, obviously, by the minimum wage going up. So it increases and strengthens Social Security because now they are paying into Social Security. Social Security contributions from an extra $51 billion in wages would go right to the trust fund. Since benefits are tied to lifetime earnings, workers will earn larger checks when they retire. Right now an average minimum wage worker with 40 years of paying into the system receives only 900 bucks, give or take a few bucks, at the age of 65. That is well below the poverty line.

So why wouldn't we want to raise the minimum wage, move people out of poverty, get more people off of food stamps, save the government some money, and, by the way, help strengthen Social Security and give families and individuals a fair shot to meet and reach the American dream? Why wouldn't we want to do that? Again, under the Reagan administration and the Bush administration, they seemed to think it was a good idea.

I agree with the Senator from Illinois who was on the floor a little while ago. If we weren't in this toxic political environment where everything has to be politicized until the last man is standing, we would probably do this. We would be down here together talking about how it would help our folks in our different States and in our communities and in the country overall. Instead, everyone wants to just kind of even the scorecard. This is not about a scorecard; this is about giving a fair shot to Americans, to Alaskans, so they have a chance to make a living and meet and reach the American dream.

This is a simple thing for us to do, and we could do it tomorrow. I don't know what the House will do, but maybe if we act in a bipartisan way here, the House will see that. Maybe they will wake up and see this is a good thing to do because if we want to build the economy, if we want to make a difference, as I said—and I am talking as a small businessperson—if we grow the amount of money consumers spend by making sure they make a good living, the net result will be that every businessperson benefits because they have more consumers, more people buying products. In turn, everything from manufacturing, to shipping to the retailer, to the large business, the small business—all benefit.

Again, it is amazing to me that we debate this issue. Actually, I was not planning to come to the floor until last week because I thought this should be easy. Why are we not doing this? Republican Presidents saw it as a good idea. Now that it has been a long time coming, it is time.

I know some don't like the current President. I have my issues with him, I can tell you that. The list is long. But we should not get caught up in the personalities. I tell my staff all the time—when I get a piece of legislation a Member is proposing, I say: Don't look at who is sponsoring; look at the content of the bill. If we like the bill, we sign on. We participate. Too much time is spent here worrying about who is sponsoring what, who is on the list, who made the comment. Who cares? If it is a good piece of legislation, then we should do it.

In my State we will have raising the minimum wage on the November ballot because Alaskans signed an initiative—35,000 or 40,000 people—saying this is the right thing to do for Alaska. I think it is the right thing to do not only for Alaska but for this country. It is important that we do this because it is our obligation to make sure for Alaskans and for all Americans that we don't create obstacles in their ability to reach the American dream, that we make sure they have a fair shot at anything they want to do.

I hope tomorrow we will have a different outcome than the pundits are predicting. They think it will fail tomorrow. I hope not. But if we fail tomorrow and don't get enough votes from the other side, it is not that we lose the battle today but that the American people lose. Alaskans lose. The 49,000 Alaskans I mentioned will lose. The 1,700 veterans in my State will lose. Let's try to do something to make them winners and give them a shot.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I think many of my colleagues feel very at home with this image, which is a reminder of a household name—Ramona and her father. It is a great story written by Beverly Cleary. In fact, it is a prize-winning story, part of a series, and my favorite of the series, Ramona the Pest, was written in 1968.

In 1968 and in this story Ramona's dad is struggling, along with his wife Dorothy—his name is Robert—to get by and keep the family together on a minimum wage job, which in 1968 paid $1.60 an hour. Today the minimum wage, if it had kept pace with inflation, would be $10.71 an hour.

We know, many of us—and probably many of my colleagues who have read this story—that Robert and Dorothy Quimby are engaged in a quiet struggle to make ends meet. Even as Ramona is engaged in all kinds of antics and play, he is working as a grocery bagger at a local store. Ramona's mother is working too—an early example of a two-family household and two-income family. They are able to keep their family afloat on that minimum wage in 1968—$1.60 an hour in 1968.

For millions of Americans who read Ramona's story today, the idea of a minimum wage enabling a family to stay afloat, keep a roof over their heads, and food on the table is a storybook fiction. It is very difficult today to believe that Robert Quimby, as a bagger in a grocery store, could enable his daughters, Ramona and her sister, to have the life they did then. In fact, it would be impossible because today the minimum wage has failed to keep pace with inflation. The minimum wage today is $7.25—nowhere near what it would need to be to keep pace with the rise in the cost of living.

That is why we are here today—to raise the minimum wage to $10.10, which is still below the $10.71 it would have been for Robert Quimby, making minimum wage in a grocery store, if it had kept pace with inflation. In fact, it is well below what is necessary to enable families to continue a normal life. That is why they are living in poverty—working men and women living in poverty—despite being paid the minimum wage. That is a travesty and a mockery. It is a moral outrage. It is bad for our economy, it is bad for our families, it is bad for the fabric of our society, and it is bad for America.

I am proud to support an increase in the minimum wage. I am proud Connecticut has decided it will raise the minimum wage to $10.10 an hour—still below that $10.71 that is needed to get by today.

We know the impact on families. We know the impact on children. We see them in our schools—millions of children, 14 million children—in families who are paid less than a minimum wage. We know the impact on our veterans. Half a million or more are paid less than the new minimum wage our bill would establish. That is itself an outrage. Men and women who have served and sacrificed for our country come back to civilian life to be paid less than what they need to stay out of poverty. They are working and working hard but still making less than a minimum wage. These are veterans who have served our country, who have put their lives on the line, have put themselves at risk, coming back to a society that rewards them—rewards them—with less than what they need to survive.

I have talked to a lot of businesspeople. Some of them are apprehensive, no question about it, but a lot of them say: Our workers are more productive because we pay well above the minimum wage.

Many who will be impacted by this law if it is passed say it is the right thing to do, and they support it. I am talking about, for example, Max Kothari. For 25 years he, along with his wife Parul, has owned and operated Star Hardware in Hartford—one of the oldest hardware stores in the State of Connecticut. He supports this measure to raise the minimum wage to $10.10.

So does Doug Wade, who operates one of the oldest dairy companies in the State, started by Doug's great-grandfather in 1893—Wade's Dairy in Bridgeport. He supports raising the minimum wage.

A thousand businesspeople have signed a statement and petition—we mentioned it this morning—that supports raising the minimum wage. They say it is a fairness issue. It is simply a

way to give folks a fair shot at the American dream, a fair shot at a quality of life that is good for their families and children, good for our society, and, by the way, also good for our economy.

We know that $35 billion would be added to consumer demand because folks who make minimum wage, if it is raised to $10.10, are not going to put the difference under their mattresses. They are going to spend it. They are going to buy more food, clothing, and gas for their cars. They are going to buy things that drive the economy. They are going to purchase stuff that creates demand and more jobs and business for Max Kothari at his hardware store and for Dough Wade at his dairy.

This kind of reasoning is not advanced economic theory; it is basic common sense. Americans understand it. That is why Americans support raising the minimum wage as a matter of fairness and enlightened self-interest economically. It is the right thing to do.

The arguments made against it are without basis rationally and economically. The ones who suffer from the minimum wage as it exists right now are not teenagers. I know there is a myth that they are part-time workers or teenagers. That is just not true. Nearly ninety percent of minimum wage workers are adults. They are disproportionately women and people of color and workers with disabilities, and they will be helped disproportionately by raising the minimum wage. But they are not teenagers or part-time workers. They are deserving, for the hard work they do, of fair pay and a fair shot. That is all the minimum wage would really do, is give them a fair shot at economic opportunity.

And those veterans, they deserve more than a fair shot. They deserve a hand up, not a handout. There is nothing about the minimum wage that is an entitlement. It is simply fair pay and a fair shot. We have trapped half a million of those veterans in poverty—3,800 veterans in Connecticut alone who will benefit from the $10.10 minimum wage.

But we should guarantee that in this great land—the greatest in the history of the world—people such as Ramona's dad, Robert Quimby, and Dorothy Quimby and her sister are being paid at least what they were getting back in 1968 in today's dollars. That is the way to keep families together. That is the way to keep faith with the dream all Americans have that they will have a fair shot.

No one who works full time should live in poverty. No one who works should be so poor that they can't put food on the table or provide clothes for their children, or give them the erasers that Robert Quimby gave his daughters as a gift.

To enable 14 million children in America to have a better life, let's pass this measure. And let's make sure that if it fails this week—and it shouldn't, but if it does, we bring it back, and we continue to bring it back as long as necessary to ensure a fair shot for all Americans who work hard and play by the rules.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to be recognized for up to 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BILL CATHCART

Mr. ISAKSON. Madam President, this Friday, May 2, a gentleman from Georgia will retire after 29 years of service.

William—Bill—Cathcart, with WTOC for 29 years as general manager and 2 years with the firm, will be saying goodbye to his leadership with WTOC, one of the leading media stations of the coast of Georgia and one of the leading media stations around our State—a station I have dealt with often, and a station I have found to be professional, fair, and thorough.

In fact, even as I speak on the floor of the Senate today, my State of Georgia has already had a bad shooting incident this morning, terrible tornadoes this afternoon, and bad weather coming in this evening. It makes me appreciate the broadcast network and the people who come together to let our citizens know about things happening, giving them early warnings about bad weather and reporting the news fairly and straight.

Bill Cathcart is a great Georgian and a great American. He has done a tremendous job for our State and for WTOC. I wish him the best upon his retirement. I hope he will always call on me if I can ever be of help, and I thank him for all he has done for me.

I yield back my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, tomorrow about noon we will be voting on something in the Senate that I daresay a lot of Americans will be paying close attention to. The reason they are going to be paying close attention is because that vote will affect them and their families in the future in a very big way. That vote will be on whether we will actually bring debate to a close and vote on increasing the minimum wage in America.

If we were to bring that to a vote, we could pass it, the President would sign something like that into law, and in 6 months the minimum wage would go up by 95 cents an hour; then next year it would go up by another 95 cents; and the year after another 95 cents from where it is now at $7.25 an hour.

What we are going to vote on tomorrow will have a drastic effect on millions of American families—and it is going to have a big effect on our economy, because it will boost our economy and get the wheels going again, because people will have more money to spend. They will spend it on Main Street. And that is what is lacking right now—consumer demand—consumers with enough money to spend on Main Street. All the economists will basically tell you it is the lack of aggregate demand that is keeping our economy from moving ahead. Tomorrow at noon we will have a vote on that.

Tens of millions of American families are struggling, trying to make ends meet to give their kids a little bit better life. And, quite frankly, a lot of them on low wages are on public assistance which is costing American taxpayers nearly $250 billion every year—in food stamps, earned income tax credits, Temporary Assistance to Needy Families, and Medicaid. Add all those up and it is about $243 billion a year.

Taxpayers are subsidizing a lot of these companies that are paying very low wages. Many of the companies that pay such low wages are large, multibillion dollar companies raking in big profits and showering their CEOs with wealth. The average CEO pay of a Standard & Poors 500 company was 21 percent more last year than in 2009. In other words, from 2009 until the end of last year, CEO pay at these 500 companies went up an average of 21 percent. However, since 2009, the minimum wage has not increased 1 penny. The CEO pay averages now about $11.7 million a year, while a minimum-wage worker today makes $15,000 a year. That is working full time, all year, no time off.

It was pointed out to me that a CEO earns that $15,000 by about 11:30 a.m. on the first day of work of the year. Imagine that. By 11:30 a.m. on January 2—assuming they don't work on January 1—they make $15,000. The minimum-wage earner has to work the rest of the year to make that $15,000. And many of these companies are paying the minimum wage.

It is the families who are getting hurt. This is wrong. This is not what America is about. We want people who get up and go to work every day to be able to rely on that work to support themselves. Working families want that, too. They want a paycheck which supports them, gives them a fair shot at being a member of the middle class, and a fair shot of achieving the American dream.

So now we can do something about it. We know that raising the minimum wage will help tens of millions of workers. When we raise it to $10.10, as our bill does, the bottom fifth of the workforce—nearly 30 million workers—will get a raise.

By the time this fully phases in at $10.10 in 3 years, nearly 7 million people will be lifted out of poverty. If we want an antipoverty program, we have it tomorrow when we vote on raising the minimum wage. Seven million people will be lifted out of poverty, and it won't cost the American taxpayers one single dime, and taxpayers basically

will save money because we won't be putting as much money out for public assistance such as food stamps.

I thought it was kind of interesting that the Ryan budget the House passed cuts more than 3.8 million people off of food stamps. In raising the minimum wage, our bill would save billions of dollars—about $4.6 billion a year—not by cutting people off of food stamps, but by getting their income up so that over 3 million people don't have to rely on food stamps. So under the Ryan budget, people are kicked off of food stamps and they still get minimum wage. Under ours, you get a raise in the minimum wage and you don't have to rely on food stamps, and you save about the same amount of money.

Again, I am mystified by how vehemently my Republican colleagues oppose raising the minimum wage. Certainly they must know the polling data, that the vast majority of Americans support raising the minimum wage to $10.10 an hour. But it seems my friends on the Republican side are sort of locked into some philosophy or ideology that says there shouldn't be a minimum wage. In fact, some of my colleagues on the Republican side actually believe there should be no minimum wage. None. Nothing. Well, we got over that 70 years or more ago, in 1938, when we first passed a minimum-wage law in America.

Again, we hear from the other side that by raising the minimum wage there will be this massive loss of jobs. That is simply not true. It is a myth. But it is brought up every time.

I have been in Congress now 40 years. We have raised the minimum wage several times during that period of time both under Democratic and Republican Presidents. Every time it has come up, we hear that same old song: It is going to cost jobs. Guess what. Every time we raise the minimum wage, there has been no big loss of jobs. So there are no historic facts my Republican colleagues can point to to show that raising the minimum wage costs jobs.

They do refer to the Congressional Budget Office study. Actually, that is wrong. It was not a Congressional Budget Office study. They didn't do a study themselves. What they did is looked at the literature out there going back many years on potential job losses. Some of the old studies showed there would be a job loss; under a new study they said there wouldn't be. What CBO did is they averaged them all and said: Here is the average. They didn't say specifically 500,000 jobs would be lost. They said somewhere between zero and 1 million jobs will be lost, so we will pick the midpoint at 500,000. But, again, there is no historical evidence for this in terms of looking back.

We can go back and look at what happened to our economy every time we raised the minimum wage, and there has not been a massive job loss. There has been shifting of jobs. People have been raised out of poverty. Working families do better. But there has been no massive job loss. So this is another myth.

As I said, the historical evidence is there has not been any job loss generally—not among teenagers, not among restaurant workers. In fact, this year there has been more job growth in the 13 States that raised their State minimum wages at the start of this year than in the States that didn't raise their minimum wage. Let me repeat that. There has been more job growth in States that raised their minimum wage beginning in January of this year than in the States that didn't raise their minimum wage. A lot of businesses are now understanding this. They understand that, as economists will tell you, it is the lack of aggregate demand: not enough customers. People don't have enough money.

My Republican friends want to give more money to the top, more tax cuts for the wealthy. They get more money—millions more—a year. They don't necessarily spend that on Main Street. They may go to Paris, they may buy a new jet, a new big yacht. They do things like that, but it doesn't really put money right on Main Street.

What small businesses and most economists know is that when you raise the minimum wage, those people who get that raise aren't going off to Paris. They aren't buying a private jet. They are spending it on Main Street in their local stores and local businesses, and that gives a great economic boost to our whole economy.

So when we focus on the best research, the latest research that has been done, it unequivocally shows that raising the minimum wage does not cause a job loss. Again, 600 economists, including 7 Nobel prize winners, have endorsed a minimum wage hike of $10.10 an hour. Six hundred economists, including 7 Nobel prize winners, signed a letter supporting $10.10.

> We urge you to act now and enact a three-step raise of 95 cents a year for three years—which would mean a minimum wage of $10.10 by 2016—and then index it to protect against inflation . . . these proposals will also usefully raise the tipped minimum wage to 70 percent of the regular minimum.
>
> The evidence now shows that increases in the minimum wage have had little or no negative effect on the employment of minimum-wage workers. Even during times of weakness in the labor market research suggests that a minimum-wage increase could have a small stimulative effect on the economy, as low-wage workers spend their additional earnings raising demand and job growth and providing some help on the job front.

So, again, forget about the job loss. That is not going to take place. What will take place is we will lift 7 million people out of poverty and 14 million children in America will be in families who will get a raise. That will be good for our kids.

We also hear from Republicans that some of the people who are going to benefit from a raise in the minimum wage aren't the poorest of the poor. It is not just people below the poverty line, but a lot of other people will make more money, so therefore it must not be a good policy.

First of all, I want to dispel the myth that raising the minimum wage does not affect poverty. It does. Whether you use the CBO estimate of close to 1 million workers lifted out of poverty or the results of more sophisticated economic research showing that up to 7 million workers will be lifted out of poverty by the time the bill is fully implemented, the evidence unequivocally shows that raising the minimum wage is an effective poverty-reduction tool.

But I will be the first to admit—and gladly, proudly—that this bill doesn't just help people in poverty. It also helps low-income families who are above the poverty line, and that is a good thing. That is a good thing. A lot of low-income working families will get a raise. Here is basically the breakdown: 52 percent of those who will get a raise have family incomes under $40,000; 31 percent, $60,000; and 17 percent, $40 to $60,000. So, again, it is for the people. Families making $40,000 a year will actually get a boost. How could that be? One person may be making $20,000 and the other person may be making $15,000 or $18,000. They get a boost in the minimum wage, and they benefit. Is that wrong? I don't think that is wrong at all. These are still struggling families, struggling to make sure they get enough for their kids, make sure they put a little away for a rainy day, help their kids get a good education.

Evidently, our friends the Republicans are saying: Look, we should only have something that benefits those who are in extreme poverty. Then they turn around in the Ryan budget and cut food stamps. What are they saying? You know what they are really saying: Tough luck. You are on your own. If you are a minimum wage worker, tough luck, and we don't want to raise your minimum wage.

Well, 69 percent of the workers who would get a raise under this bill have incomes that are under $60,000. So, yes, not everybody who is going to get a benefit from this is in poverty, but it will raise nearly 7 million people out of poverty and will also help some of our lower and middle-income families in America. I say that is a good thing, and I am proud that it does.

Consider an example. Jane and Joe—those are not their real names—are from Buchanan County in Iowa. They have two young boys. She is a waitress and earns a few dollars an hour plus tips. He works at a gas station for $7.25 an hour. They rely on food stamps and Medicaid. They have applied for assistance through the Low Income Home Energy Assistance Program. They work opposite shifts, so they don't have to pay for childcare—and it is difficult to find adequate care for their younger son's medical needs—but this means they hardly ever see each other. A minimum wage increase would allow them to be together more as a family.

David is a pizza cook in Iowa. He is getting married soon and has a child on

the way. He earns $9 an hour at his pizza job. So what did he do? He took on another job framing houses. He is working about 65 hours a week, no overtime. He has two jobs, so he is working 65 hours a week. That is still not enough. If he worked an entire year at 65 hours a week, he would only earn $30,400 a year. He is working 65 hours a week. That is technically above the poverty line, but no one would say he is making plenty of money and he couldn't use a raise. He is starting a family.

When we raise the minimum wage, David will get a raise at both of his jobs. At one job he is making $9 an hour, and at the other job he is making $9 an hour. He gets a raise at both. He told the Quad City Times that a minimum wage raise would mean quite a bit to improve his life and help his growing family. So, yes, he is making 30,400 bucks a year working 65 hours a week—two jobs.

You say: No, he shouldn't get this minimum wage increase.

That is what I hear from my Republican colleagues. But these are the types of families who are struggling. They need a boost, and we want to give them a boost. We want to help them earn more money—not get more in food stamps or government programs but earn more money to provide for their families and build a better life and have a fair shot at the American dream.

My Republican friends are not only opposing a raise, they are proposing drastic cuts to programs that low-wage workers must rely on to survive. As I said earlier, the Ryan budget cuts more than 3.8 million people off of food stamps, leaving them without any lifeline to put food on the table. By contrast, raising the minimum wage would reduce the food stamp rolls by almost the same amount—as many as 3.6 million people—because it would allow them to earn enough money to buy food for themselves. Both proposals save the taxpayer money, but under our proposal people get to eat. They get to put food on the table.

I have a hard time giving a lot of credence to people who say the increase of the minimum wage doesn't really help people who are in poverty. It is untrue. The professed concern about the poorest of the poor stands in stark contrast with a Republican agenda that would increase poverty and sacrifice a program that helps low-wage working families survive.

Now I want to dispel another myth—that it would hurt small business. We hear about this all the time, but every small business I have talked to says their biggest problem is not payroll costs; it is lack of demand, lack of customers. They don't have customers with money to spend. So raising the minimum wage would help their bottom line.

A lot of small businesses I talk to also tell me they are frustrated, infuriated by the fact that their competitors—the Walmarts and McDonalds and other big businesses—pay rock-bottom wages that force their workers into public assistance. Well, this places responsible small businesses at a competitive disadvantage. It forces them to subsidize their competitors' low wages through their tax dollars. That is not fair. It is bad for workers, small business, and our economy. Small business owners understand this, and that is why the majority of them support this bill. Again, opinion polls—small businesses support the minimum wage 57 percent to 43 percent because they understand that a raise in the minimum wage means their customers are going to have more money to spend on Main Street.

That is why today I received a letter from Business for a Fair Minimum Wage, and 1,000 businesses, large and small, across the country support raising the minimum wage to $10.10 an hour—1,000 all across America. I ask unanimous consent to have this letter printed in the RECORD following my remarks.

So this letter and the polls show that most small businesses get it. They know that increases in the minimum wage will increase consumer demand. They also know they will have loyal, productive workers who will stay longer and save businesses from having to constantly hire and train new people. Experienced workers who have been on the job longer are more efficient and deliver great customer service that keeps customers coming back.

Finally, some of my Republican colleagues have suggested that we shouldn't raise the minimum wage because they are better served by the earned-income tax credit. I support the earned-income tax credit, and, unlike many of my colleagues on the other side, I actually want to see it expanded so it better serves young and childless workers. Right now, if you are under the age of 25 and you are making the minimum wage of $7.25 an hour, you are making too much money to qualify for the earned-income tax credit. If you are over age 25 and you make the minimum wage, $7.25 an hour, and you have one child, you get $3,250 in earned-income tax credit, plus your childcare tax credit. That gets you up to 19,300 bucks a year. What a deal. But if you are childless, you get no earned-income tax credit.

The veterans who were mentioned earlier—let's say a vet went into the military when he or she was age 18. They got out after 3 years, 21 or 22, and they went out and got a job, a minimum wage job. They do not get the earned-income tax credit.

I am for expanding it. Let's expand the earned-income tax credit to cover childless workers under the age of 25. My Republican colleagues won't support that. They won't support that.

The earned-income tax credit does provide some good support, but think about this: It only does it once a year. The only time you get the earned-income tax credit is after you file your taxes—then you get a refund. That is once a year. Families don't live like that, especially low-income families. They have a budget month after month for heating, for electricity, for fuel, for car repairs, for clothes for the kids. They cannot count on what is going to happen next year. Their income tax credit is good, but it only happens once a year. That is not very good for budgeting purposes for any family. After all, the gas company will turn your gas off in the winter even if you are going to get an earned-income tax credit next April or May. They don't take that into account. They take into account the fact that you cannot pay your bill then. So the best way to help low-income families—minimum wage-earning families plus low-income families—the best way to help them throughout the year is to increase the minimum wage.

Again, all the arguments we hear from the other side of the aisle don't hold water. Today, while what I heard from the other side of the aisle is more talk about the Keystone Pipeline—as if that is going to solve all our problems—all we have to do is build the Keystone Pipeline, and that solves all of our problems. It does? The restaurant worker in Maine, the hospital orderly in South Carolina, the parking lot attendant in Mississippi—they are all going to benefit from the Keystone Pipeline? I don't think so. Somehow that is going to take the place of raising the minimum wage.

So they are trying a little diversion on this Keystone Pipeline. We will provide some jobs, yes, for a couple of years, and when that is over, then what are you left with? And those kinds of jobs are not the kinds of jobs low-income workers would get, which would be pretty high-skilled, high-paying jobs for the Keystone Pipeline. So it doesn't really hold water that the Keystone Pipeline is going to be the end-all and be-all for the economy. It just won't.

Raising the minimum wage is the most commonsense, practical thing we can do right now to help low-income families, give a boost to our economy, and save the taxpayers money. So I hope all my colleagues will do the right thing.

So I hope all of my colleagues will do the right thing tomorrow, allow us to proceed to debate, and vote on increasing the minimum wage. Millions of American families will be watching this vote tomorrow. If they are working hard during the day, they won't be tuning in to C–SPAN, but they will read about it, and they will know what this Senate did about their paychecks and what we did about their desire to have a better life for their families, for their kids, and for their future.

I will also say this. If my Republican colleagues will join with us—at least five or six of them because we need 60 votes to get over the filibuster—if we get five or six, then we can move to the bill. I hope we will get 5 or 6 or 8 or 10 Republicans who will join us. If not, we

will be back. This issue is not going away. I can guarantee we will be back. We will be back again and again and again.

The American people need a raise. CEOs are getting their raises: a 21-percent increase since 2009—a 21-percent increase, an average CEO is paid; zero increase for minimum wage workers. It is now time to play a little catchup ball and provide fairness for low-income workers in America. So that is the vote tomorrow—a values vote, American values, family values, sound economic values. That is what the vote is about tomorrow. I hope and I trust that some of my colleagues on the Republican side will join with us so we can move ahead to give working Americans a raise and a fair shot at the American dream.

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

BUSINESS FOR A FAIR MINIMUM WAGE
FEDERAL SIGN ON STATEMENT

As business owners and executives, we support raising the federal minimum wage to strengthen our economy. The minimum wage of $7.25 an hour amounts to just $15,080 a year for health aides, childcare workers, cashiers, security guards and other minimum wage workers. With less buying power than it had in the 1960s, today's minimum wage impoverishes working families and weakens the consumer demand at the heart of our economy.

Raising the minimum wage makes good business sense. Workers are also customers. Minimum wage increases boost sales at local businesses as workers buy needed goods and services they could not afford before. And nothing drives job creation more than consumer demand. Businesses also see cost savings from lower employee turnover and benefit from increased productivity, product quality and customer satisfaction. Increasing the minimum wage will also reduce the strain on our social safety net caused by inadequate wages.

A recent national poll shows that 67 percent of small business owners support increasing the federal minimum wage and adjusting it yearly to keep pace with the cost of living. The most rigorous studies of the impact of actual minimum wage increases show they do not cause job loss—whether during periods of economic growth or during recessions. The minimum wage would be over $10 if it had kept up with the rising cost of living since the 1960s instead of falling behind.

We support gradually raising the federal minimum wage over three years to at least $10.10 an hour, and then adjusting it annually for inflation to keep up with the cost of living. A fair minimum wage makes good sense for our businesses, our workforce, our communities and our nation.

Mr. HARKIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, I rise today to address the idea of raising the Federal minimum wage from $7.25 an hour to $10.10 an hour. But first I wish to spend a few moments talking about the state of the Senate and why the latest push for a higher Federal minimum wage isn't an issue that appears to be driven by solving the underlying economic problems our Nation faces.

Over the past few weeks, the Senate majority leader has relished in making personal attacks on two private citizens, David and Charles Koch, on this Senate floor. He has used the Senate floor for the purpose of attempting to assassinate their character. They have committed no crimes, although the majority leader appears to treat it as a crime that they don't support him politically. Many political observers can see this for exactly what it is: a desperate political strategy designed to distract from the economic misery that is being visited on the American people by a failed economic agenda. The Senate majority leader is using the Senate floor to run a political campaign against entrepreneurs and philanthropists who have dared to stand and speak out against the failed Obama economic agenda. The reason he is doing so should not surprise anyone. On substance, the record of this administration cannot be defended. They can't talk about how great ObamaCare is working because millions of Americans have lost their health insurance plans and lost the doctors they like, despite the President's repeated promises to the contrary. Health insurance plans have skyrocketed in States all across this country, especially for young people in the individual market who are seeing their rates sometimes double or triple. And they certainly can't talk about the state of the economy.

Today, we have the lowest labor force participation since 1978. The official unemployment rate is 6.7 percent, but that doesn't capture the millions who are underemployed. When we include them, the number rises to 12.7 percent. The rates of poverty in the United States are right now at historic highs—15 percent. As CNN recently noted, this is ''the first time the poverty rate has remained at or above 15 percent 3 years running since 1965.''

Among full-time workers, there are more than 3.8 million fewer employed today than there were before the recession. The number of people not in the labor force today is at its highest level since 1978. Over 91 million people are not in the American workforce. Roughly three of five working-age Americans have jobs today. This is a travesty. It is a denial of the American dream to millions of people across this country.

Long-term unemployment persists. Nearly 36 percent of the unemployed are long-term unemployed. When President Obama took office, the average number of weeks that an individual was unemployed was 19.8. Today, the average duration is 35.6 weeks.

It is also a good thing the President has begun to talk about income inequality. It is a good thing because income inequality has increased dramatically under President Obama. Today, the top 1 percent in our economy earn a higher share of our income than any year since 1928, and those who are being hurt the most in the Obama economy are the most vulnerable among us—the people who are struggling. The working class Hispanics, African Americans, and single moms are the ones paying the price for the great stagnation in which we find ourselves.

According to Gallup, the percentage of Americans who describe themselves as middle or upper class fell 8 points between 2008 and 2012. President Obama's terrible economy doesn't discriminate. It hurts Americans from every demographic. On the President's watch, women have lower incomes today. The median income for women has dropped by $733 since President Obama took office, and, indeed, poverty among women has gone up markedly under President Obama. The poverty rate for women has increased from 14.4 percent when the President took office to 16.3 percent. In real terms, that means 3.7 million more American women are in poverty today than when the President took office.

The President is not responding to any of this. Instead, we see the President, we see the Senate majority leader shifting to the topic of a mandated Federal minimum wage in an effort to change the subject. But the undeniable reality, the undeniable truth is that if the President succeeded in raising the minimum wage, it would cost jobs for the most vulnerable. The people who have been hurt by this Obama economy would be hurt worse by the minimum wage proposal before this body.

In 2013, the President, in his State of the Union address, proposed raising the minimum wage to $9. A year later, the request has magically changed to $10.10. There is no economic justification. The only reason is politics. I suppose if the approval ratings of Democratic Members of this body continue to fall, in another month we will see a proposal for $15 an hour and then maybe $20 or $25 an hour.

But I think the American people are tired of empty political show votes.

The nonpartisan Congressional Budget Office says that raising the minimum wage could cause the loss of 500,000 to 1 million jobs. I want the American people to realize, and every Member of this Senate, that votes for the minimum wage is voting to tell up to 1 million Americans: Your jobs don't matter to me because I am voting to take away your job.

By the way, this view is not only the view of the nonpartisan Congressional Budget Office. On March 12, 2014, over 500 economists, including three Nobel Laureates, sent a letter to Congress that said the minimum wage is a poorly targeted anti-poverty measure. I will give one example from my home State. GO-Burgers, which is a Texas company with six Burger King restaurants, analyzed the effect of the minimum wage increase on their employees and their businesses. The last minimum wage increase we have seen was from $5.85 an hour in 2007 to $7.25 an hour in July of 2009, and 2010 was the first complete calendar year that GO-Burgers had to analyze the impact

on their workers. GO-Burgers discovered that raising the minimum wage by 23.93 percent caused these Burger King restaurants to reduce the available hours worked by 24.98 percent, for a net sum loss in hours and wages for the typical employee.

Let me repeat that. The experience in these Burger King restaurants was the employees were worse off after the minimum wage was raised because their hours got cut in direct response to the increase. These six restaurants eliminated over 40 jobs and reduced the average number of hours worked per employee. In total, these six Burger King restaurants reduced the manhours allocated by over 60,000 hours in 2010. Sadly, the people that bear the brunt of that are not the rich and powerful. They are not those who walk the corridors of power in Washington, DC, and have gotten fat and happy under the Obama administration. The people who would bear the brunt if this bill were passed would be, to a substantial degree, young African American teenagers and young Hispanic teenagers. Right now, young minorities, if we look at unemployment rates by race—just looking at the official unemployment rates, Anglos have an unemployment rate of 5.8 percent; Hispanics, 7.9 percent; African Americans, 12.4 percent—nearly double that in the white community. It is even more heartbreaking among teenagers. White teens currently have an unemployment rate of 18.3 percent, but African American teenagers have an unemployment rate of 36.1 percent—36.1 percent. Every Senator who votes yes is voting with an absolute certainty that hundreds of thousands of workers, including a great many African American teenagers and a great many Hispanic teenagers, will be laid off as a consequence of their vote. I would challenge any of the Senators in this Chamber to look in the eyes of those African American teenagers, those Hispanic teenagers who are looking for a better opportunity.

If my colleagues detect a note of passion in my voice as I discuss this, it is because in my family this is not an abstract, hypothetical situation. Fifty-seven years ago, when my father fled Cuba and came to Texas at the age of 18, penniless, not speaking English, his first job was working in the restaurant industry as a dishwasher making 50 cents an hour. The restaurant industry had been such a terrific avenue for climbing the economic ladder, for achieving the American dream. My dad washed dishes at 50 cents an hour to pay his way through college to go on and start a small business to work toward the American dream. If the majority leader had his way, if the minimum wage were jacked up, if back in 1957 the restaurant where my father worked were forced to pay every worker $2 an hour, the odds are very high that restaurant would have fired my dad and bought a dishwasher instead. It was that entry-level job that gave him the grip on the first rung of the economic ladder that led him to pull to the second and the third and the fourth. This bill, if it were to pass, would hammer those on the bottom of the economic ladder and would take away jobs from the most vulnerable among us.

So what should we do instead? We can talk about the problems we have in this country, but we need to talk proactively about better solutions. Fortunately, we are on the cusp of a great American energy renaissance.

I have introduced legislation to remove the barriers to developing the abundant energy resources we have in this country—barriers that, if removed, would allow the creation of millions of high-paying jobs.

The discussion before this Chamber is whether to raise the minimum wage to $10.10 an hour. But even if it passed, that is not the Obama minimum wage. Rather, the real Obama minimum wage is $0.00 an hour. We have right now the lowest labor participation rate since 1978.

To the millions of Americans who have lost their job because of $1.7 trillion in new taxes, because of crushing regulations, this is the Obama minimum wage: $0.00—not the political window dressing of $10.10; the reality, the hard, brutal reality.

Last week, I was in Nebraska at a rally. A woman named Barb came up to me. She hugged my neck. She said: TED, I am a single mom. I have six little kids at home. My husband left me, and he is not paying child support. I am working five jobs, trying to keep my kids fed, trying to keep them with clothes on their backs. Barb had tears in her eyes.

One of the most brutal consequences of ObamaCare is it has forced millions of Americans like Barb into part-time work because the threshold for ObamaCare is 30 hours a week.

So instead of having one or two jobs, Barb and millions of other single moms are going from one job to another, to another, to another, and they are not spending the time with their kids. This is the brutal reality of the Obama minimum wage.

But, Madam President, I am happy to tell you, there is a better alternative. The better alternative, I would note—far better than zero, far better than the promise of $10.10 an hour—is $46.98. Madam President, $46.98—that is the average hourly wage in the oil and gas industry in the State of North Dakota.

Every one of us should want to see millions more jobs at $46.98 an hour, and we should want millions rescued from the Obama minimum wage of $0.00 an hour. That is the choice before this body—of expanding this American energy renaissance, creating opportunity.

Let me tell you, in the State of Texas—Texas is an incredible example—there is a reason why 1,400 people a day are moving to Texas, moving from high-tax, high-regulation States, represented by many of our friends on the Democratic side of the aisle. They are coming to Texas because Texas is where the jobs are and Texas is where the salaries are.

Oil and gas industry jobs in Texas paid, on average, 150 percent more than other private sector jobs in Texas—$128,000 a year compared to $51,000 a year—in 2012.

In the 23 counties atop the Eagle Ford shale in South Texas, average wages for all citizens have grown by 14.6 percent annually since 2005.

The top five counties in the Eagle Ford shale region have experienced an average 63-percent annual rate of wage growth.

How many millions of Americans would love to see 63 percent annual wage growth?

In Texas, the average pay for an entry-level truckdriver ranges from $36,000 to $45,000, but it rises to $50,000 to $70,000 in the oilfield. These are kids straight out of high school making $70,000 a year.

As reported in an AP story from March 28, 2014: ''James LeBas, economist for the Texas Oil and Gas Association, said the industry directly employed 416,000 employees in 2013 and they averaged $120,000 a year in wages.''

As a separate nation, Texas right now would rank as the ninth largest oil-producing country in the world.

Not only can energy development bring good-paying jobs, it can also help our children and schools. Cotulla, TX, was once one of the poorest districts in Texas, but now—because of the Eagle Ford shale energy development—it is one of the richest. The taxes that are coming from the energy development mean money for fixing schools, for hiring teachers, for paying them more, and for purchasing technology in the classrooms.

One thing that is striking is what has happened across the country. If you look, this is a map I have in the Chamber of changes in median household income by county from 2007 to 2012. Madam President, 2007 to 2012 is a long time.

On this map, green indicates that the median household income has gone up; yellow indicates no statistically significant change; and red indicates it has gone down.

Overlaid on this map is an overlay of the geological shale formations in this country. What is striking about looking at median incomes in the United States is where median incomes have gone up. This is almost exactly a geological shale map of the United States.

You can see median incomes have gone up up here in the Bakken shale in and around North Dakota. You can see the Permian Basin shale, the Eagle Ford shale, the Barnett shale. You can see the Marcellus shale. Green, green, green, green—median income going up—for everyone in the county median income going up where energy production is occurring.

Now, strikingly, the Marcellus shale extends north to New York, and yet for

the entire State of New York, you can see there is not a county in the State of New York where median income has gone up. Why? Well, one of the main reasons is the Democratic politicians in New York have prohibited developing those natural resources because they ban fracking.

So in Pennsylvania, Pennsylvanians apparently would like jobs, would like higher median incomes. They are seeing the benefits. But in New York, New Yorkers are not because Democratic politicians in New York have prohibited developing those resources.

I would note that one of the most promising areas is the Monterey shale in California—abundant resources—and you would note, in the entire State of California there is not one green county. That is because California, likewise—even though they have those resources, the Democratic politicians there have concluded Californians do not want jobs, they do not want higher incomes, and they are going to prohibit developing their natural resources rather than providing for the very real suffering that is being caused.

I would note, there is one striking exception from this pattern being largely a geological shale formation of this country, and that is the bright green on the map that is located right here where we are standing—the District of Columbia and the surrounding areas.

Let me tell you, it is a good time to be in and around government. The lobbyists, the consultants, those who make money on the growing and growing and growing Federal Government spending and debt, are getting fatter and happier every day. You look at the rest of the country, and you see stagnation, you see median income falling.

Rather than engaging in political games—driven by polling done by the Democratic Senatorial Committee on this minimum wage bill that, if passed, would only hurt low-income African-American and Hispanic teenagers—instead, we ought to come together with bipartisan unanimity to say: We will stand with the American people to bring millions of jobs. We will stand with the American people to raise median income. We will stand with the American people to make it easier for people who are struggling to achieve the American dream.

Therefore, I have proposed an amendment to replace the text of S. 2223, the minimum wage act, with the text of the American Energy Renaissance Act that I have introduced, S. 2170.

We should all come together and vote on removing the government barriers, opening new Federal lands and resources, developing high-paying, promising jobs that expand opportunity.

In conclusion, let me say this debate comes down to two numbers. It is not a complicated debate. This debate comes down to two numbers. On my left, the real Obama minimum wage: $0.00 an hour. I am sorry to say, in this Democratic Senate, this Chamber is largely empty. There is no discussion of fundamental tax reform or regulatory reform, of removing the barriers that have caused the lowest labor force participation since 1978.

Instead, we are debating a bill to increase unemployment. This minimum-wage bill—the nonpartisan CBO has told us more people would be paid $0.00 an hour under the bill before this Chamber. No wonder Congress's approval rating is 8, 10, 12 percent, when you take the greatest challenge facing Americans right now—the need for economic growth and jobs—and the U.S. Senate in Democratic control will not even talk about providing real relief there. No wonder people are disgusted with the U.S. Congress.

You want to know what this debate is about? Compare $0.00 an hour to $46.98 an hour. I want to see millions of Americans making $40, $50, $60 an hour, providing for their kids, having a better future.

As I travel this country, over and over again, men and women come up to me. They look me in the eyes and say: Ted, I am scared. I am scared that we are bankrupting this country. I am scared that my kids and grandkids are not going to have the future, the opportunity, the freedom we have been blessed to have.

This U.S. Senate has an opportunity to address that. We should pass the American Energy Renaissance Act. We should stop making it harder for working Americans, but, instead, we should come together for jobs and economic growth.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF THEODORE DAVID CHUANG TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

Mr. REID. Madam President, I now move to proceed to executive session to consider Calendar No. 591.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Elizabeth Warren, Robert Menendez, Barbara Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF GEORGE JARROD HAZEL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

Mr. REID. I now proceed to executive session to consider Calendar No. 592.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Elizabeth Warren, Robert Menendez, Barbara Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF NANCY L. MORITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

Mr. REID. I now move to proceed to executive session to consider Calendar No. 575.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, John D. Rockefeller IV, Debbie Stabenow, Barbara Mikulski, Carl Levin, Benjamin L. Cardin, Tom Harkin, Amy Klobuchar, Barbara Boxer, Patty Murray, Jack Reed, Robert Menendez, Sheldon Whitehouse, Christopher A. Coons, Richard J. Durbin.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEBORAH A.P. HERSMAN

Mr. REID. Madam President, I rise today to commend the departing Chairman of the U.S. National Transportation Safety Board, Deborah A.P. Hersman, as she prepares to launch a new career as president and CEO of the century-old National Safety Council.

A 12-year veteran staffer of Capitol Hill, Debbie is no stranger to many Senators on both sides of the aisle. After graduating with a degree in political science from Virginia Tech and receiving a master's in conflict resolution from George Mason University, she worked as a staffer for my former colleague, Congressman Bob Wise, where she rose from intern to staff director and then to senior legislative aide. He used to say, ''She has a backbone. Don't ever think that you are ever going to push her over.'' I can see why.

Debbie came to the Senate in 1999 to work for the Committee on Commerce, Science, and Transportation under the leadership of Senator Jay Rockefeller. Her efforts during that time contributed to the passage of some of the benchmark legislation underpinning the transportation safety framework she vigorously upheld as NTSB Chairman, such as the Motor Carrier Safety Improvement Act of 1999, Pipeline Safety Improvement Act of 2002, Transportation Equity Act of the 21st Century, and Amtrak Reform and Accountability Act.

Debbie's outstanding leadership at the NTSB has helped make traveling safer for all Americans. She was the NTSB member on scene for the terrible Metro train collision in 2009 in this city where nine people lost their lives and dozens were injured. I was glad to see that she and the agency took charge of the investigation, and I admire her commitment to ensuring such a horrific incident will not occur again.

Debbie oversaw the timely completion of several high-profile accident investigations during her tenure as Chairman, including the deadly 2011 crash at the Reno National Championship Air Races. During the third lap of a six-lap race, 11 people lost their lives and many suffered injuries when a show plane plummeted into the spectator stands. As many of you know, these are enormously popular events. I have attended them many times. Our late colleague Senator Ted Stevens was a big fan. My own grandchildren attended those races the very week of the crash.

I commend Debbie and her team for the work they did in the aftermath of the tragedy, and to issue timely and effective recommendations to help save lives and prevent injuries in the future. Her efficient work prior to the first anniversary of the crash enabled the annual air show tradition—so important to northern Nevada for nearly 50 years—to continue even more safely than before. The recommendations provided by the NTSB will ensure that tens of thousands of spectators can safety enjoy these races.

Debbie is acknowledged as a visionary, passionate, and bipartisan safety leader who advocates for safety across all modes of transportation. At the NTSB, she has been on scene for more than 20 major transportation incidents; chaired scores of NTSB hearings, forums, and events; and regularly testifies before Congress. She was first appointed as an NTSB board member by President George W. Bush in 2004. In 2009, President Obama reappointed her to a second 5-year term and appointed her to a 2-year term as Chairman, making her, at age 39, the youngest person ever to fill that position. President Obama reappointed her as Chairman in 2011, and in August 2013, he nominated her for a third term as Chairman and for a third term as a Board member, all with unanimous Senate confirmation.

Among her many initiatives, Debbie has focused attention and actions on distracted driving, child passenger safety, and helping accident victims and their families. Her leadership has created a more transparent and accountable organization by significantly increasing the quantity and quality of NTSB information available on the agency's Web site, holding more public meetings to highlight safety issues, and embracing social media to communicate with the broadest possible audience of the traveling public.

Debbie always emphasizes the NTSB's role as ''the conscience and the compass of the transportation industry.'' The Nation has benefitted from nearly a decade of her stewardship in the agency's leadership. While we are saying goodbye to this passionate standard bearer of public safety in the Federal realm, I am very pleased that we are not losing her energy on these issues altogether. Her move to lead the National Safety Council will open up new doors to her, that organization, and to safety initiatives benefitting the entire county. It is yet another step forward in an illustrious career of heartfelt public service dedicated to protecting the well-being of all Americans.

WRIGLEY FIELD'S 100TH BIRTHDAY

Mr. DURBIN. Madam President, I wish to recognize the 100th birthday of an American icon: Wrigley Field. As the second oldest Major League ball park and oldest in the National League, Wrigley Field has hosted millions of fans and easily earned its nickname, The Friendly Confines.

On April 23rd, 1914, it opened its doors not to the Chicago Cubs, and it wasn't even called Wrigley Field. It was called Weeghman Park, and the Chicago Chifeds of the short-lived Federal League played there. The Chicago Cubs moved into their home in 1916.

From the ivy-covered outfield walls, to its hand-turned score board, to the bleachers and the marquee, you always know you are at Wrigley Field. It was

the last baseball stadium to have lights installed in 1988. It was the first stadium to have an organ playing music, and that music remains to this day, the first to build permanent concession stands, the first to have live broadcast of games. While there is some dispute whether Wrigley was the first place to allow fans to keep the balls hit into the stands, it certainly is where the custom began of throwing back the opponent's homerun balls.

Wrigley hasn't always been home to the Cubs exclusively. The Decatur Staleys moved to play football there in 1921. You know them today as the Chicago Bears, and from 1921 to 1970, Wrigley was their home too. And the reason they are called the Bears is because the Cubs were already playing there. Wrigley has hosted soccer matches, concerts, and even a National Hockey League game. The first All-American Girls Professional Baseball League's first All Star Game during the 1943 midseason was played at Wrigley Field. They brought in temporary lights for that game.

The Wrigley experience means people come to have fun at the game and be involved in the game. It was as true in 1920 as it is today. Generations of kids have come to Wrigley to watch their first ballgame in the same seat their parents and grandparents watched theirs. For Cubs fans, the ball park is a community as much as a place where baseball is played. Wrigley Field is surrounded by small businesses that depend on the community. Fans go every day by foot, by bicycle, by train, or by car into the neighborhood known as Wrigleyville to see the Chicago Cubs play at their treasure of a stadium.

And they have seen legends. On June 26, 1920, a 17-year-old high school player hit a game-winning grand slam completely out of the park when his New York School of Commerce team played Chicago's Lane Tech High School. That was Lou Gehrig. Babe Ruth's called shot? It was at Wrigley Field in 1932 in the World Series. It is still debated. My boyhood hero, St. Louis Cardinal Stan Musial, recorded his 3000th hit in Wrigley. In fact, it has been said that the visiting clubhouse has had more Hall of Famers in one room than any other facility that exists in sports.

It is not just those visiting Wrigley that made the memories but those we claim as our own. Harry Caray was an announcer for decades, but it was at Wrigley Field where he became a legend with his dark-framed glasses, joviality, and his singing ''Take Me Out To The Ball Game'' with the crowd. It is a tradition still carried today. Ernie Banks' boundless energy and joy for the game, ''Let's play two!'' Ron Santo, Billy Williams, Fergie Jenkins, Ryne Sandberg, Hack Wilson, Andre Dawson, Kerry Wood, and so many others are beloved for their time playing for the Cubs in The Friendly Confines.

''There is always next year,'' a phrase too often uttered by Cubs fans, could just as easily be a promise that our field, Wrigley Field, is as much a part of the future as it is our past.

Madam President, it is with great pride that I ask my colleagues to join me in celebrating the 100th anniversary of one of America's greatest landmarks, Wrigley Field. Holy cow, what a ride it has been for such a wonderful place at 1060 W. Addison in Chicago, IL.

REMEMBERING THE COLUMBINE TRAGEDY

Mr. UDALL of Colorado. Madam President, fifteen years ago, Colorado communities were shaken by a horrific act of violence at Columbine High School where 12 students and a teacher tragically lost their lives and many others were injured. In the wake of this violence, Coloradans came together to be there for their friends and neighbors and stood united as one community.

The strength of this community is embodied no more clearly than by Columbine High School principal Frank DeAngelis. Principal DeAngelis is retiring at the end of the school year, capping 34 years of dedication to education, community service, resilience, and leadership.

Principal DeAngelis has spent the past 18 years leading the school, fulfilling the promise he made after the attack that he would remain as principal until all the students in Columbine feeder schools at the time had graduated.

It is this enduring spirit and the strength of so many in the community that have allowed us to heal and reflect. On this somber anniversary, let's remember the victims, honor the resilience of the survivors, and collaborate to find ways to reduce these types of senseless tragedies.

Mr. BENNET. Madam President, April 20 marked the 15th anniversary of the tragic shooting at Columbine High School. I come to the floor to honor the memories of the 12 young, innocent students, and beloved teacher we lost, and to recognize the bravery that so many educators and first responders showed on that horrific day.

On the day of the anniversary, Coloradans gathered at Clement Park in Littleton to remember the victims and recommit to preventing these acts of senseless violence from ever happening again. Coni Sanders, the daughter of Coach Dave Sanders who was killed that day, spoke at the gathering. If I could just share a few of her words, I think they ring very true.

She said,

> Fifteen years ago, Columbine was a massacre. Columbine was a tragedy. Columbine was synonymous with death. Today, we recognize that Columbine is a community and that even the most violent of hate could not shake us.

Coni's words express the pain we have all been left with in the wake of too many similar tragedies in Colorado and across the country. But her words also remind us of the enduring strength of our communities and the need to do more to combat gun violence in the United States.

WORLD WAR II VETERANS VISIT

Mr. BEGICH. Madam President, this month, 46 veterans from the Last Frontier and Golden Heart Chapters of the Honor Flight Network are traveling from Alaska to Washington, DC, to visit their memorials. I know you will join me in welcoming these heroes to our Nation's capital and recognizing their service to our Nation.

I would like to record the individual names of those who traveled from Alaska to be here today. World War II Veterans of the Alaska Territorial Guard: Mr. Wesley Aiken, Mr. Gust Bartman, Mr. Sigurd L. Edwards, Mr. Daniel E. Henry, Sr., Mr. Daniel K. Karmun, Mr. David U. Leavitt, Sr., Mr. Henry H. Neligan, and Mr. Vincent Tocktoo, Sr. World War II Veterans: Mr. William R. Alter, Army; Mr. Bruce E. Arndt, Army; Ms. Nancy Baker, Army Air Corp; Mr. Robert H. Breakfield, Navy; Mr. William E. Bush, Marines; Mr. Norman H.V. Elliott, Army; Mr. David K. Fison, Navy; Mr. Frank E. Flavin, Army; Mr. Kirtley E. Franse, Air Force & Army; Mr. Malven R. Gaither, Navy; Mr. Eldon L. Gallear, Merchant Marines; Mr. George G. Gilbertson, Navy; Mr. Warren G. Hackney, Merchant Marines; Mr. Arthur Hammer, Air Force, Mr. Robert P. Harrison, Army; Mr. Donald M. Hoover, Navy; Mr. Robert L. Johnston, Navy; Mr. Willard J. Jorgensen, Army; Mr. Robert W. Kittleson, Navy & Air Force; Mr. Gordon E. Kler, Navy; Mr. Thomas Lewis, Navy; Mr. Gerald J. Lind, Air Force & Army; Ms. Bette-Rae Mattoon, Navy WAVE; Mr. Roby S. Mchone, Army; Mr. Leon N. Merkes, Army; Mr. George R. Painter, Merchant Marines; Ms. Charlotte K. Schwid, Army; Mr. Joseph E. Stanger, Air Force; Ms. Francis A. Swaim, Army; Mr. George C. Swift, Coast Guard; Mr. James H. Weaver, Army; and Mr. Edward C. Willis, Merchant Marines. Korean War Veterans: Mr. William Blocolsky, Navy; Ms. Lorane J. Mobley, Navy; and Mr. Richard C. Sullivan, Marines. Vietnam War Veterans: Mr. Roger W. Brooks, Army; Mr. Alan L. Coble, Army; and Mr. Clifford E. Mobley, Army.

These veterans from Alaska join over 118,000 other veterans from across the land who, since 2005, have traveled to our Nation's capital to visit and reflect at memorials built here in their honor. This Honor Flight was made possible by generous public donations and contributions from those who wish to honor these heroes.

We owe so much to our active duty military and veterans who put themselves in harm's way for our country and protect our freedoms. Without their courage, commitment and sacrifice, we would not enjoy the liberties we cherish today.

On behalf of a grateful Nation, I extend my sincerest gratitude. I also extend my thanks to the staff, volunteers

and supporters of the Honor Flight program who make these trips possible.

Again, thank you to all Alaska veterans and volunteers for their dedication, commitment, and service.

ADDITIONAL STATEMENTS

TRIBUTE TO RENEE HENDERSON

● Mr. BEGICH. Madam President, today I wish to thank Renee Henderson for her 43 years of outstanding service to the Kenai Peninsula Borough School District, Kenai community, and Kenai Central High School on the occasion of her retirement.

Since her first day working for the Kenai Peninsula Borough School District on August 30, 1971, Ms. Henderson has taught over 13,000 students. Ms. Henderson provided students with many life-changing experiences, including traveling to destinations across the world to perform.

Ms. Henderson has contributed to the Kenai Peninsula community through her hard work and dedication. She has touched thousands of lives by being a world-class musical professional. It is only appropriate through her contributions to the community that the school's auditorium was named the Renee C. Henderson Auditorium. She has shared her appreciation for the gift of music, through her concerts, tours, private lessons and choir program, to help countless young people nurture their musical gifts and enrich the world around them.

Along with Senator LISA MURKOWSKI, I would like to extend my deepest appreciation to Renee for her many years of educational excellence. We wish the absolute best to her as she begins this next stage in her life.●

SPECIAL OLYMPICS ALASKA

● Mr. BEGICH. Madam President, I wish to recognize Special Olympics Alaska for their outstanding job in improving the lives of those with intellectual disabilities.

Special Olympics was founded by the late Eunice Mary Kennedy Shriver in 1962. Mrs. Shriver saw how unfairly people with intellectual disabilities were treated and founded Camp Shriver, which eventually evolved to Special Olympics in 1968. Special Olympics Alaska also traces its beginnings back to 1968, when they held their first State games in 1969 in Fairbanks. Since then, the Special Olympics Alaska programs have grown to include over 500 athletes and 1,000 volunteers around the State.

Through sports, the athletes are able to see what they are capable of achieving and quickly gain confidence. I have seen firsthand how Special Olympics Alaska uses the power of sports to help athletes learn about friendly competition and sportsmanship, as well as provide them with an opportunity to make friendships that will last a lifetime.

In 2001, Anchorage hosted the Special Olympics World Winter Games. More than 1,800 athletes representing 70 countries competed in 7 Olympic-type winter sports—making this the largest sporting event ever held in the history of Alaska. This year, Special Olympics Alaska will open its first Athlete Training Center and Campus in Anchorage on May 8. This facility will give the athletes a dedicated facility to practice and prepare for future games in which they will represent Alaska.

I would like to recognize Special Olympics Alaska and all the work they do to improve the lives of people with intellectual disabilities. I wish the absolute best to the athletes, families and supporters as they transition into their new training center.●

REMEMBERING BUD PURDY

● Mr. CRAPO. Madam President, I wish to honor a true Idaho original, a man who set the bar high for ranching and conservation in my State and established a world-class trout fishery.

Every so often, a generation produces remarkable characters—individuals who set their sights high and leave the bar higher for us. Bud Purdy of Picabo, ID, was one of those people. While he could not claim Idaho by birth, he more than proved to be an Idahoan through his experiences, work ethic, and inclinations. He began working on a family sheep ranch in Blaine County at Picabo, near Sun Valley, during summers in 1928. Not long after, a young Bud Purdy climbed nearby Hyndman Peak at over 12,000 feet. He graduated from college by the time he was 20, and despite an offer to go into banking, he chose to manage that family ranch. He was a hunting partner for writer Ernest Hemingway. There wasn't much Bud Purdy could not do. He was still flying his own airplane at the age of 94. He was—and is—considered an Idaho legend.

Bud made his mark in Picabo, Sun Valley, and Idaho. Near his ranch there is a creek that is world-renown—Silver Creek. It was along that creek that Bud joined a young Hemingway, actor Gary Cooper, and many others to fish and hunt birds. When Hemingway moved to Idaho in 1959, he had already been hunting with Bud for many years. The Purdy ranch consisted of 6,000 acres along Silver Creek. The waters of that creek are so crystal clear that you can see the trout. I have been one of those lucky enough to fish there. Bud and his family were visionaries. They donated a 3,500 acre easement to the Nature Conservancy that meant the land could never be subdivided, and the world-class fishery remains there today, just like it was when Bud arrived 86 years ago.

Bud felt all ranchers should have a strong conservation ethic, and he was one of the first to employ rest-rotation grazing to protect the land and water. Bud got that message out as a founder of the Idaho Rangeland Resource Commission. He was recently inducted into the Idaho Hall of Fame, joining the likes of Hemingway, poet Ezra Pound, skier Picabo Street, former U.S. Senator William Borah, and agri-businessman J.R. Simplot.

It was important to Bud to pass along the message to care about the land, and he has succeeded admirably. As he told writer Steven Stuebner in an article for the Rangeland Commission about the ranching profession:

> Once you get started in it, you're hooked. Every morning, you get up and do something different. You turn out on the range and ride a horse every day. Even now, I go out and make sure the water is OK, check the fences and make sure the gates are closed. It's just a constant going out there and doing it. I was never a cowboy, but I've ridden a million miles.

That description of the ranch life in Central Idaho sounds a long way from Capitol Hill, but the hard work ethic and the dedication to principle is what made Bud Purdy an Idaho, and American, hero. His life of service is something we can all aspire to, or as Idaho Governor Butch Otter said, ''someone whose life was a lesson in cowboy ethics, common sense, stewardship and the value of hard work and perseverance''.●

REMEMBERING RICKY DEL FIORENTINO

● Mrs. BOXER. Madam President, today I ask my colleagues to join me in paying tribute to Sheriff's Deputy Ricky Del Fiorentino, an exceptional law enforcement officer, a devoted and loyal friend, and most of all a dedicated family man, who was tragically killed in the line of duty on March 19, 2014.

Ricky Del Fiorentino was born and raised in Napa, CA, where he excelled in both football and wrestling at Napa High School. His high school football coach called him the best lineman he had ever trained. Ricky also placed second in the heavyweight division of the State wrestling championship in 1982 and later earned a scholarship to wrestle at the University of Oklahoma. In 1998, he was inducted into the Napa High Athletic Hall of Fame.

After graduating from the Napa Valley Police Academy, Ricky joined the Mendocino County Sheriff's Office. His distinguished 26-year law enforcement career in Mendocino County included 10 years with the Fort Bragg Police before he returned to the sheriff's department in 2000. Residents of the Mendocino coast remember Deputy Del Fiorentino as a calm, towering presence and a guardian of the community. At a candlelight vigil in his honor, many community members described him as gentle, helpful, trusting, loving, and caring, relating personal interactions that had stayed with them for years.

Deputy Del Fiorentino was a respected and experienced leader, passionate about his work and never hesitant to help someone in need. In 1992, he dove into the Noyo River to rescue a young man who had jumped off the

Noyo Bridge. In 1998, he again showed his courage by rescuing four people who had been swept into the water at Pudding Creek by a sneaker wave. These heroic acts were second nature to Deputy Del Fiorentino, who received many official commendations from the community he served.

Deputy Del Fiorentino's friends say he had a ready smile, was quick to laugh, was an avid outdoorsman and a devoted husband, father, and brother. When he was not on duty he spent as much time as he could with his friends and family.

Ricky Del Fiorentino devoted his life to his family, his community, and his country. His dedicated and courageous service will not be forgotten. On behalf of the people of California, whom he served so bravely, I extend my gratitude and deepest sympathies to his family, friends, and colleagues.●

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

● Mr. DONNELLY. Madam President, I wish to congratulate the hard-working members of the International Brotherhood of Electrical Workers—IBEW—Local 153 as they celebrate 100 years of working together to improve living standards by building safe communities throughout Michiana.

IBEW Local 153 was started by just 18 members in 1914 in South Bend, IN. Its charter members were Fred Champaigne, Louis Brehmer, Omer C. Naftzger, Roy Watt, Calvin Beatty, William Weber, C. Sinnoth, Rob Elliott, R.J. Suabedissen, W.A. Henry, Walter A. Stickley, Lester E. Beatty, E.A. Nimtz, R.M. Dice, Leo A. Mathis, Frank Hamer, Oliver Doehmer and B.J. Doehmer. These men represent the determination and leadership that have shaped our commitment to fair labor standards and strong communities across the country. On April 21, 1914, the International Brotherhood of Electrical Workers granted them their charter.

Today, IBEW Local 153 covers St. Joseph, Elkhart, Marshall and Kosciusko counties in north central Indiana and Berrien and Cass counties in Michigan. It counts over 900 men and women as its members. Over the years, it has worked vigilantly to promote the interests and values of working men and women by advocating for the best education and training to achieve the highest quality standards, safer working conditions, fair compensation, individual security and strong intellectual, moral, and social conditions. While these efforts have been critical to the success of its members, every American has benefitted from the work of organized labor and locals like IBEW Local 153, to promote standard working hours, a living wage, worker safety, as well as strong families and stronger communities.

Congratulations to the officers of IBEW Local 153 including Michael Leda, president; Shawn Huffine, vice president; Dustin Hansen, treasurer; Marshall Kaminsky, recording secretary; Mike Compton, business manager; Bill Haase, assistant business manager; Stan Miles, director of membership development; the members of the executive board, exam board, and office staff for guiding IBEW Local 153 to this remarkable milestone, as it continues to support the goals first envisioned by its founders.

Most importantly, I congratulate all IBEW Local 153 members and their families for their loyalty, ongoing support, and hard work they give the Michiana community.

On behalf of the citizens of Indiana, I sincerely congratulate each and every member of the International Brotherhood of Electrical Workers Local 153 on their 100th Anniversary, and I wish them continued success and growth over the next 100 years.●

REMEMBERING MATTHEW KLEMCHALK

● Mr. MENENDEZ. Madam President, I wish to honor the memory of an exemplary citizen of New Jersey who we lost too soon: Matthew E. Klemchalk of Allendale. Matthew passed away on April 10, 2014 at the age of 35. He was an outstanding member of his community, beloved by his family and friends, and a professional engineer whose work will be appreciated by generations of New Jersey residents as they drive over the roads and ride the rails that he designed and saw to completion.

Matthew was a 1996 graduate of Northern Highlands High School, and a lifelong train enthusiast. He brought his passion for trains to his work as chief estimator of track at the Railroad Construction Company, where he worked for the past 14 years. Matthew worked on major infrastructure projects that New Jersey's citizens see and use every day, including the Secaucus Road separation project, the U.S. Route 46 interchange improvements in Wayne, Route 46 over Overpeck Creek in Bergen County, and the Lackawanna Avenue improvement and bridge replacement in West Paterson.

He taught concurrently as a professor at Stevens Institute of Technology in Hoboken, where he earned his bachelors and masters degrees. The institute has organized the Matt Klemchalk Scholarship in his name to honor his memory and help other prospective engineers follow in Matt's footsteps to meaningful community engagement and service.

He is survived by his parents Matthew and Jane and his sister, Jennifer, and will be missed by many others whom he touched during his short life.

The great State of New Jersey is better today for his dedication to detail and passion for engineering, and my condolences go to his family and loved ones. I would encourage more of America's youth to follow his example of living your dreams to the benefit of your community and your country.●

TRIBUTE TO BOB SILBERNAGEL

● Mr. UDALL of Colorado. Madam President, I wish to pay tribute to Bob Silbernagel, who retired in March after a 40-year career working for Colorado newspapers, including the last 18 years as the editorial page editor and voice of the Grand Junction Daily Sentinel. The Colorado Press Association wisely named Mr. Silbernagel the 2013 ''Newspaper Person of the Year,'' and the Colorado Associated Press Editors and Reporters Association awarded him the first place award for editorial writing in 2012. Over his years in journalism, Mr. Silbernagel received dozens of other awards for editorial writing, column writing, news reporting, and online content from the Colorado Press Association, the Colorado Associated Press Editors and Reporters, Cox Newspapers, and the National Associated Press Editors.

Born in Madison, WI, Mr. Silbernagel received his journalism degree from the University of Wisconsin-Madison in 1973, after which he worked as a political reporter, environmental writer, business writer, city editor, and bureau reporter. He authored three books, most recently ''Troubled Trails: The Meeker Affair and the Expulsion of Utes from Colorado'' in 2011; ''Dinosaur Stalkers, Tracking Dinosaur Discoveries of Western Colorado and Eastern Utah'' in 1996, and ''Parks & Trails, A Guide and History for the Colorado Riverfront Project in Mesa County'' in 2004.

Upon his retirement from the Daily Sentinel, Jay Seaton, publisher of the newspaper, aptly described Mr. Silbernagel as ''not a purveyor of sound bites or catchy gotchas'' but as ''a careful journalist whose logic and dispassionate presentation of undisputed facts [made] his editorials not just compelling but illuminating.'' I could not agree more. Coloradans are well served by such honorable journalists as Bob Silbernagel.●

LUDLOW MASSACRE 100TH ANNIVERSARY

● Mr. UDALL of Colorado. Madam President, I wish to commemorate the 100th anniversary of the Ludlow Massacre. On April 20, 1914, 20 southern Coloradan men, women and children tragically lost their lives in one of the most dramatic confrontations for workers' rights in the United States. As we reflect on this tragedy, let us remember these brave Coloradans whose courageousness prompted lasting changes in national labor relations.

The families of Ludlow 100 years ago aren't that different from Coloradans today. They, too, came to Colorado in search of opportunity and a better life. But unlike today's Coloradans, these miners worked prolonged days in unsafe working conditions, had few protections or avenues for airing grievances, and spent much of their income to pay mine operators for inflated rent

and supplies. Ludlow miners, representing a cross-section of early 20th century America, stood together as one to fight for fair wages, safer working conditions, the right to live and shop where they wanted, an 8-hour workday, and dignity in the workplace. In doing so, some of these men, women, and children paid dearly with their lives.

After major coal companies rejected the demands of the miners and evicted Ludlow residents from their company homes for striking, a tent community arose outside of Ludlow. This camp is where months of escalation would reach its dramatic and tragic conclusion. On April 20, 1914, a gun battle erupted between miners and National Guardsmen acting alongside the Colorado Fuel and Iron Company security personnel. Over 20 individuals lost their lives in this fight, including 11 children and 2 women trapped beneath a burning tent in a pit meant to serve as refuge. The public outrage over the Ludlow Massacre, as it came to be known, was intense and deep.

A century after this historic event, we remember those who lost their lives and honor the courage of the Coloradans who stood up for their rights. Because of their bravery, mining towns began to enact reforms that banned child labor, improved worker safety, and protected unionized workers from discrimination. Legislation in 1933 enabled unionization throughout Colorado's coalfields, protecting mine workers who continue contributing to our State's economy. The Ludlow Massacre was also a watershed moment that ushered in a national shift in labor relations, including the passage of the National Labor Relations Act, which protects workers' most basic rights.

During the 100th anniversary of the Ludlow Massacre, we recognize our appreciation for the progress of American labor relations in exchange for the ultimate sacrifices of these Coloradans and many other American workers.

Thank you for joining me in remembrance and reflection of this important day.●

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 298. An act to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, and for other purposes.

H.R. 930. An act to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes.

H.R. 1501. An act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System.

H.R. 3110. An act to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.

H.R. 4032. An act to exempt from Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority, and for other purposes.

H.R. 4120. An act to amend the National Law Enforcement Museum Act to extend the termination date.

H.R. 4192. An act to amend the Act entitled ''An Act to regulate the height of buildings in the District of Columbia'' to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed.

H.R. 4194. An act to provide for the elimination or modification of Federal reporting requirements.

The message also announced that the House has passed the following bill, without amendment:

S. 994. A bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 298. An act to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 930. An act to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1501. An act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 4032. An act to exempt from Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4194. An act to provide for the elimination or modification of Federal reporting requirements; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2262. A bill to promote energy savings in residential buildings and industry, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3110. An act to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5364. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2013''; to the Committee on Veterans' Affairs.

EC–5365. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; First Quarter of Fiscal Year 2014''; to the Committee on Veterans' Affairs.

EC–5366. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of violations of the Antideficiency Act; to the Committee on Appropriations.

EC–5367. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Agricultural Disaster Assistance Programs, Payment Limitations, and Payment Eligibility'' (RIN0560–AI21) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5368. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Transition Program Assessments; Final Appeals and Revisions Procedures'' (RIN0560–AH30) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5369. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prior Label Approval System: Generic Label Approval'' (RIN0583–AC59) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5370. A communication from the Chief of the Planning and Regulatory Affairs Office, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010'' (RIN0584–AE19) received during adjournment of the Senate in the Office of the President of the Senate on April 23, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5371. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule

entitled ''Regulations Issued Under the Export Apple Act; Exempting Bulk Shipments to Canada From Minimum Requirements and Inspection'' (Docket No. AMS–FV–14–0022) received in the Office of the President of the Senate on April 11, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5372. A communication from the Associate Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hispanic-Serving Agricultural Colleges and Universities'' (RIN0524–AA39) received during adjournment of the Senate in the Office of the President of the Senate on April 23, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5373. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Addition of Quarantined Areas and Regulated Articles'' (Docket No. APHIS–2010–0031) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5374. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas in Ohio'' (Docket No. APHIS–2013–0004) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5375. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) for the Handheld, Manpack and Small Form Fit program; to the Committee on Armed Services.

EC–5376. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John F. Mulholland, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5377. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department of Defense corrosion report for fiscal year 2015; to the Committee on Armed Services.

EC–5378. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Contracting Officer's Representative'' ((RIN0750–AI21) (DFARS Case 2013–D023)) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2014; to the Committee on Armed Services.

EC–5379. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Clauses with Alternates-Contract Financing'' ((RIN0750–AI) (DFARS Case 2013–D014)) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Armed Services.

EC–5380. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Photovoltaic Devices'' ((RIN0750–AI18) (DFARS Case 2014–D006)) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Armed Services.

EC–5381. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–73) received in the Office of the President of the Senate on April 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5382. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–73) received in the Office of the President of the Senate on April 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5383. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–73; Introduction'' (FAC 2005–73) received in the Office of the President of the Senate on April 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5384. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2011–018, Positive Law Codification of Title 41'' (RIN9000–AM30) received in the Office of the President of the Senate on April 28, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5385. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the utilization of a contribution to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC–5386. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) for the Airborne Warning and Control System (AWACS) Block 40/45 Upgrade program; to the Committee on Armed Services.

EC–5387. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) for the Vertical Takeoff and Landing Tactical Unmanned Aerial Vehicle (VTUAV) program; to the Committee on Armed Services.

EC–5388. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS) for fiscal year 2013; to the Committee on Armed Services.

EC–5389. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for fiscal year 2015 and the succeeding 4 years, fiscal years 2016–2019; to the Committee on Armed Services.

EC–5390. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense 2014 Major Automated Information System (MAIS) Annual Reports (MARs) and an index of the 41 MARs; to the Committee on Armed Services.

EC–5391. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Michael A. LeFever, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5392. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of six (6) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5393. A communication from the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) Performing the Duties of the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report entitled ''Combating Terrorism Activities Fiscal Year 2015 Budget Estimates''; to the Committee on Armed Services.

EC–5394. A communication from the Chairman and President of the Export-Import Bank, transmitting a legislative proposal relative to providing a five-year reauthorization of the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–5395. A communication from the Acting Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Docket No. FEMA–2013–0002) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5396. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-Weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule'' (RIN3064–AD95) received in the Office of the President of the Senate on April 28, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5397. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Person to the Entity List'' (RIN0694–AG14) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5398. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5399. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's 2013 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–5400. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report

on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5401. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5402. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5403. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (RIN3133–AE33) received during adjournment of the Senate in the Office of the President of the Senate on April 24, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5404. A communication from the Acting Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS Cask System'' (RIN3150–AJ28) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Environment and Public Works.

EC–5405. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the City of Springfield, Greene County, Missouri, flood risk management project; to the Committee on Environment and Public Works.

EC–5406. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the Secretary of the Army's recommendation to increase the authorized cost of the Cape Girardeau, Missouri, Reconstruction project; to the Committee on Environment and Public Works.

EC–5407. A communication from the Principal Deputy Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Timing Requirements for the Submission of a Site Assessment Plan (SAP) or General Activities Plan (GAP) for a Renewable Energy Project on the Outer Continental Shelf (OCS)'' (RIN1010–AD77) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Energy and Natural Resources.

EC–5408. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers'' (RIN1904–AC76) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Energy and Natural Resources.

EC–5409. A communication from the Human Resources Specialist, Office of the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the Office's annual report on the category rating system; to the Committee on Indian Affairs.

EC–5410. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Frequency Response and Frequency Bias Setting Reliability Standard'' (Docket No. RM13–11–000) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2014; to the Committee on Energy and Natural Resources.

EC–5411. A communication from the Designated Federal Official, Department of Homeland Security, transmitting, pursuant to law, a report relative to the United States World War One Centennial Commission; to the Committee on Energy and Natural Resources.

EC–5412. A communication from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–5413. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''2013 Economic Dispatch and Technological Change''; to the Committee on Energy and Natural Resources.

EC–5414. A communication from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Department of the Treasury Acquisition Regulations; Contract Clause on Minority and Women Inclusion in Contractor Workforce'' (RIN1505–AC40) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Finance.

EC–5415. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of United States Persons that Own Stock of Passive Foreign Investment Companies Through Certain Organizations and Accounts that Are Tax Exempt'' (Notice 2014–28) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Finance.

EC–5416. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2014'' (Notice 2014–29) received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2014; to the Committee on Finance.

EC–5417. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Extension of the Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital (MDH) Program Under the Hospital Inpatient Prospective Payment Systems (IPPS) for Acute Care Hospitals for Fiscal Year 2014'' (RIN0938–AR12) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Finance.

EC–5418. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Preliminary Disproportionate Share Hospital Allotments (DSH) for Fiscal Year (FY) 2014 and the Preliminary Institutions for Mental Diseases Disproportionate Share Hospital Limits for FY 2014'' (CMS–2389-N) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2014; to the Committee on Finance.

EC–5419. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to entering into a Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Bulgaria Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ecclesiastical Ethnological Material of the Republic of Bulgaria; to the Committee on Finance.

EC–5420. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Preventive Services and Obesity-related Services Available to Medicaid Enrollees''; to the Committee on Finance.

EC–5421. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Medicaid Integrity Program Report for Fiscal Year 2013''; to the Committee on Finance.

EC–5422. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, a report relative to contracting with the National Academy of Sciences for a committee of medical experts to assist with disability issues; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*J. Mark McWatters, of Texas, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2019.

*Stanley Fischer, of New York, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

*Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

*Lael Brainard, of the District of Columbia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2012.

*Gustavo Velázquez Aguilar, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

*Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2014.

*Nani A. Coloretti, of California, to be Deputy Secretary of Department of Housing and Urban Development.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL (for himself, Mr. COBURN, Mr. INHOFE, Mr. MORAN, Mr. MCCONNELL, Mr. WICKER, Mr. COATS, Mr. GRAHAM, Mr. BURR, Mr. ROBERTS, Mr. CORNYN, Mr. SHELBY, Mr. HATCH, Mr. TOOMEY, and Mr. LEE):

S. 2265. A bill to prohibit certain assistance to the Palestinian Authority; to the Committee on Foreign Relations.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2266. A bill to amend chapter 81 of title 5, United States Code, to establish a presumption that a disability or death of a Federal employee in fire protection activities caused by certain diseases is the result of the performance of the duties of the employee; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself and Mr. HATCH):

S. 2267. A bill to modify chapter 90 of title 18, United States Code, to provide Federal jurisdiction for theft of trade secrets; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. HEINRICH, and Mrs. GILLIBRAND):

S. 2268. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism, infectious disease, and noncommunicable emerging threats, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico:

S. 2269. A bill to amend the Workforce Investment Act of 1998 to prepare individuals with multiple barriers to employment to enter the workforce by providing such individuals with support services, job training, and education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. BROWN, Mr. JOHANNS, Mr. KIRK, and Mr. TESTER):

S. 2270. A bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 425. A resolution expressing support for the goals and ideals of ''National Donate Life Month''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. WICKER, Mr. BOOZMAN, Mr. BROWN, Mr. COCHRAN, Mr. INHOFE, Mr. DURBIN, Mr. RUBIO, and Mr. KIRK):

S. Res. 426. A resolution supporting the goals and ideals of World Malaria Day; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself and Mr. GRASSLEY):

S. Res. 427. A resolution expressing the sense of the Senate about the importance of effective civic education programs in schools in the United States; considered and agreed to.

By Mr. CARDIN (for himself, Mr. SCHATZ, and Mr. MENENDEZ):

S. Res. 428. A resolution promoting minority health awareness and supporting the goals and ideals of National Minority Health Month in April 2014, which include bringing attention to the health disparities faced by minority populations of the United States, such as American Indians, Alaska Natives, Asian Americans, African Americans, Hispanic Americans, and Native Hawaiians or other Pacific Islanders; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CRAPO, Mr. BENNET, Mr. DURBIN, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. REED, Ms. LANDRIEU, Mr. HEINRICH, and Mr. BOOKER):

S. Res. 429. A resolution designating April 30, 2014, as ''Dia de los Ninos: Celebrating Young Americans''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 313

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 375

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 635

At the request of Mr. BROWN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

At the request of Mr. MORAN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 635, supra.

S. 727

At the request of Mr. MORAN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 727, a bill to improve the examination of depository institutions, and for other purposes.

S. 872

At the request of Mr. TOOMEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 872, a bill to amend the Securities Exchange Act of 1934, to make the shareholder threshold for registration of savings and loan holding companies the same as for bank holding companies.

S. 933

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 933, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1249

At the request of Mr. BLUMENTHAL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1349

At the request of Mr. MORAN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1379

At the request of Mr. HELLER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1379, a bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

S. 1431

At the request of Mr. WYDEN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1688

At the request of Mr. KIRK, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1688, a bill to award the Congressional Gold Medal to the members of the Office of Strategic Services (OSS), collectively, in recognition of their superior service and major contributions during World War II.

S. 1799

At the request of Mr. COONS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1823

At the request of Mr. RUBIO, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1823, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

S. 1911

At the request of Mr. SCOTT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1911, a bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century, and for other purposes.

S. 1925

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1925, a bill to limit the retrieval of data from vehicle event data recorders.

S. 1996

At the request of Mrs. HAGAN, the names of the Senator from Indiana (Mr. DONNELLY), the Senator from Nebraska (Mrs. FISCHER), the Senator from Minnesota (Mr. FRANKEN), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1996, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 2004

At the request of Mr. BEGICH, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2009

At the request of Mr. UDALL of New Mexico, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2009, a bill to improve the provision of health care by the Department of Veterans Affairs to veterans in rural and highly rural areas, and for other purposes.

S. 2013

At the request of Mr. RUBIO, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2037

At the request of Mr. ROBERTS, the names of the Senator from Indiana (Mr. COATS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2037, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 2092

At the request of Mr. MARKEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2092, a bill to provide certain protections from civil liability with respect to the emergency administration of opioid overdose drugs.

S. 2125

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2125, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 2141

At the request of Mr. REED, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2182

At the request of Mr. WALSH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2182, a bill to expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2244

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2244, a bill to extend the termination date of the Terrorism Insurance Program established under the Terrorism Insurance Act of 2002, and for other purposes.

S. 2248

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2248, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period, with an offset.

S. 2252

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2252, a bill to reaffirm the importance of community banking and community banking regulatory experience on the Federal Reserve Board of Governors, to ensure that the Federal Reserve Board of Governors has a member who has previous experience in community banking or community banking supervision, and for other purposes.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 372

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 372, a resolution supporting the goals and ideals of the Secondary School Student Athletes' Bill of Rights.

S. RES. 421

At the request of Mr. BEGICH, his name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

S. RES. 423

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 423, a resolution designating April 2014 as ''Financial Literacy Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. BROWN, Mr. JOHANNS, Mr. KIRK, and Mr. TESTER):

S. 2270. A bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, I am delighted to be joined today by my colleagues, MIKE JOHANNS and SHERROD BROWN, in introducing the Insurance Capital Standards Clarification Act of 2014. We are pleased to be joined by Senators Kirk and Tester as cosponsors. This legislation clarifies the Federal Reserve's authority to recognize

the distinctions between banking and insurance when implementing section 171 of the Dodd-Frank Act, commonly referred to as the ''Collins Amendment'' since I wrote this provision of the law.

Before I describe our bill in detail, I would like to provide some background on section 171 and why it is so important that nothing be done to diminish or weaken it.

We all recall the circumstances we faced 4 years ago, as our Nation was emerging from the most serious financial crisis since the Great Depression. That crisis had many causes, but among the most important was the fact that some of our nation's largest financial institutions were dangerously undercapitalized, while at the same time, they held interconnected assets and liabilities that could not be disentangled in the midst of a crisis.

The failure of these over-leveraged financial institutions threatened to bring the American economy to its knees. As a consequence, the federal government was forced to step in to prop-up financial institutions that were considered ''too big to fail.'' Little has angered the American public more than these taxpayer-funded bailouts.

That is the context in which I offered my capital standards amendment, which became section 171 of Dodd-Frank. Section 171 is aimed at addressing the ''too big to fail'' problem at the root of the 2008–2009 crisis by requiring large financial holding companies to maintain a level of capital at least as high as that required for our nation's community banks, equalizing their minimum capital requirements, and eliminating the incentive for banks to become ''too big to fail.''

Incredibly, prior to the passage of Section 171, the capital and risk standards for our Nation's largest financial institutions were more lax than those that applied to smaller depository banks, even though the failure of larger institutions was much more likely to trigger the kind of cascade of economic harm that we experienced during the crisis. Section 171 gave the regulators the tools, and the direction, to fix this problem.

It is important to recognize that Section 171 allows the federal regulators to take into account the significant distinctions between banking and insurance, and the implications of those distinctions for capital adequacy. I have written to the financial regulators on more than one occasion to underscore this point. For example, in a November 26, 2012, letter I stressed that it was not Congress's intent to replace State-based insurance regulation with a bank-centric capital regime. For that reason, I called upon the federal regulators to acknowledge the distinctions between banking and insurance, and to take those distinctions into account in the final rules implementing Section 171.

While the Federal Reserve has acknowledged the important distinctions between insurance and banking, it has repeatedly suggested that it lacks authority to take those distinctions into account when implementing the consolidated capital standards required by Section 171. As I have already said, I do not agree that the Fed lacks this authority and find its disregard of my clear intent as the author of section 171 to be frustrating, to say the least. Experts testifying before the Financial Institutions and Consumer Protection subcommittee of the Senate Banking Committee, chaired by Senator BROWN, concur that the Federal Reserve has ample authority to draw these distinctions.

Nevertheless, the bill we are introducing today clarifies the Federal Reserve's authority to recognize the distinctions between insurance and banking.

Specifically, our legislation would add language to section 171 to clarify that, in establishing minimum capital requirements for holding companies on a consolidated basis, the Federal Reserve is not required to include insurance activities so long as those activities are regulated as insurance at the State level. Our legislation also provides a mechanism for the Federal Reserve, acting in consultation with the appropriate State insurance authority, to provide similar treatment for foreign insurance entities within a U.S. holding company where that entity does not itself do business in the United States. In addition, our legislation directs the Fed not to require insurers which file holding company financial statements using Statutory Accounting Principles to instead prepare their financial statements using Generally Accepted Accounting Principles.

I should point out that our legislation does not, in any way, modify or supersede any other provision of law upon which the Federal Reserve may rely to set appropriate holding company capital requirements.

In closing, I want to thank my colleagues, Senators Brown and Johanns, for working so hard with me over many months to help craft the language we are introducing today. I believe our language removes any doubt about the Federal Reserve's authority to address the legitimate concerns raised by insurers that they not have a bank-centric capital regime for their insurance activities imposed upon them. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2270

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Insurance Capital Standards Clarification Act of 2014''.

SEC. 2. CLARIFICATION OF APPLICATION OF LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

Section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5371) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) BUSINESS OF INSURANCE.—The term 'business of insurance' has the same meaning as in section 1002(3).

''(5) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term 'person regulated by a State insurance regulator' has the same meaning as in section 1002(22).

''(6) REGULATED FOREIGN SUBSIDIARY AND REGULATED FOREIGN AFFILIATE.—The terms 'regulated foreign subsidiary' and 'regulated foreign affiliate' mean a person engaged in the business of insurance in a foreign country that is regulated by a foreign insurance regulatory authority that is a member of the International Association of Insurance Supervisors or other comparable foreign insurance regulatory authority as determined by the Board of Governors following consultation with the State insurance regulators, including the lead State insurance commissioner (or similar State official) of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners, where the person, or its principal United States insurance affiliate, has its principal place of business or is domiciled, but only to the extent that—

''(A) such person acts in its capacity as a regulated insurance entity; and

''(B) the Board of Governors does not determine that the capital requirements in a specific foreign jurisdiction are inadequate.

''(7) CAPACITY AS A REGULATED INSURANCE ENTITY.—The term 'capacity as a regulated insurance entity'—

''(A) includes any action or activity undertaken by a person regulated by a State insurance regulator or a regulated foreign subsidiary or regulated foreign affiliate of such person, as those actions relate to the provision of insurance, or other activities necessary to engage in the business of insurance; and

''(B) does not include any action or activity, including any financial activity, that is not regulated by a State insurance regulator or a foreign agency or authority and subject to State insurance capital requirements or, in the case of a regulated foreign subsidiary or regulated foreign affiliate, capital requirements imposed by a foreign insurance regulatory authority.''; and

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

''(c) CLARIFICATION.—

''(1) IN GENERAL.—In establishing the minimum leverage capital requirements and minimum risk-based capital requirements on a consolidated basis for a depository institution holding company or a nonbank financial company supervised by the Board of Governors as required under paragraphs (1) and (2) of subsection (b), the appropriate Federal banking agencies shall not be required to include, for any purpose of this section (including in any determination of consolidation), a person regulated by a State insurance regulator or a regulated foreign subsidiary or a regulated foreign affiliate of such person engaged in the business of insurance, to the extent that such person acts in its capacity as a regulated insurance entity.

''(2) RULE OF CONSTRUCTION ON BOARD'S AUTHORITY.—This subsection shall not be construed to prohibit, modify, limit, or otherwise supersede any other provision of Federal law that provides the Board of Governors authority to issue regulations and orders relating to capital requirements for depository institution holding companies or nonbank financial companies supervised by the Board of Governors.

''(3) RULE OF CONSTRUCTION ON ACCOUNTING PRINCIPLES.—Notwithstanding any other provision of law, a depository institution holding company or nonbank financial company supervised by the Board of Governors of the Federal Reserve that is also a person regulated by a State insurance regulator or a regulated foreign subsidiary or a regulated foreign affiliate of such person that files its holding company financial statements utilizing only Statutory Accounting Principles in accordance with State law, shall not be required to prepare such financial statements in accordance with Generally Accepted Accounting Principles.''.

U.S. SENATE,
Washington, DC, November 26, 2012.

Hon. BEN S. BENANKE,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.
Hon. MARTIN J. GRUENBERG,
Acting Chairman, Federal Deposit Insurance Corporation, Washington, DC.
Hon. THOMAS J. CURRY,
Comptroller, Department of the Treasury, Office of the Comptroller, Washington, DC.

Re Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Minimum Regulatory Capital Ratios, Capital Adequacy, Transition Provisions, and Prompt Corrective Action (RIN 3064–AD95); Regulatory Capital Rules: Standardized Approach for Risk-weighted Assets; Market Discipline and Disclosure Requirements (RIN 3064–AD96); Regulatory Capital Rules: Advanced-Approaches Risk-Based Capital Rule; Market Risk Capital Rule (RN 3064–AD87).

DEAR CHAIRMAN BERNANKE, ACTING CHAIRMAN GRUENBERG, AND COMPTROLLER CURRY: I am writing to comment on the proposed rules implementing the Basel III regulatory capital framework.

As the author of Section 171 (the ''Collins Amendment'') of the Dodd-Frank Act, I believe strongly that capital requirements must ensure that firms have an adequate capital cushion in difficult economic times, and provide a disincentive to their becoming 'too big to fail.' To achieve this, Section 171 requires that large bank holding companies be subject, at a minimum, to the same capital requirements that small community banks have traditionally faced.

During consideration of the Dodd-Frank Act, I supported modifications to the final language to Section 171 to ensure a smooth transition to increased capital standards. Among these modifications were provisions to delay, for five years, the application of new capital requirements for savings and loan holding companies (''SLHCs''), and for certain foreign-owned bank holding companies. See subsections (b)(4)(D) and (E) of Section 171. These modifications were intended to allow these entities the time they need to adjust their balance sheets and capital levels in order to come into compliance with the new capital standards. The proposed rules implement the five year delay provided to foreign-owned bank holding companies by Section 171 (b)(4)(E), but neglect to implement the nearly identical delay for SLHCs provided by Section 171 (b)(4)(E). I do not understand why the proposed rules fail to implement this provision, as required by Congressional intent and the clear language of the statute.

I am hopeful, too, that in crafting final rules, you will give further consideration to the distinctions between banking and insurance, and the implications of those distinctions for capital adequacy. It is, of course, essential that insurers with depository institution holding companies in their corporate structure be adequately capitalized on a consolidated basis. Even so, it was not Congress's intent that federal regulators supplant prudential state-based insurance regulation with a bank-centric capital regime. Instead, consideration should be given to the distinctions between banks and insurance companies, a point which Chairman Bernanke rightly acknowledged in testimony before the House Banking Committee this summer. For example, banks and insurers typically have a different composition of assets and liabilities, since it is fundamental to insurance companies to match assets to liabilities, but this is not characteristic of most banks. I believe it is consistent with my amendment that these distinctions be recognized in the final rules.

I am hopeful you will keep these concerns in mind as you continue to implement the Dodd-Frank Act and the proposed rules referenced above implementing the Basel III regulatory capital framework.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 425—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF ''NATIONAL DONATE LIFE MONTH''

Mr. CASEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 425

Whereas in March 2014, over 118,800 individuals were on the official waiting list for organ donation managed by the Organ Procurement and Transplantation Network;

Whereas in 2013, 31,422 organs from 14,257 donors (including both living and deceased donors) were transplanted into 28,952 patients, yet 6,123 candidates for transplantation died while waiting for an organ transplant;

Whereas on average, 18 people die every day of every year while waiting for an organ donation;

Whereas over 100,000,000 people in the United States are registered to be organ and tissue donors, yet the demand for donated organs still outweighs the supply of organs made available each day;

Whereas many people do not know about their options for organ and tissue donation, or have not made their wishes clear to their families;

Whereas organ and tissue donation can give meaning to the tragic loss of a loved one by enabling up to 8 people to receive the gift of life from a single deceased donor;

Whereas living donors can donate a kidney or a portion of a lung or liver to save the life of another individual; and

Whereas April is traditionally recognized as ''National Donate Life Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Donate Life Month'';

(2) supports promoting awareness of organ donation;

(3) encourages States, localities, and the territories and possessions of the United States to support the goals and ideals of National Donate Life Month by issuing proclamations designating April 2014 as National Donate Life Month;

(4) commends the generous gift of life provided by individuals who indicate their wish to become organ donors;

(5) acknowledges the grief of families facing the loss of a loved one and commends those families who, in their grief, choose to donate the organs of their deceased family member;

(6) recognizes the generous contribution made by each living individual who has donated an organ to save a life;

(7) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients;

(8) commends the medical professionals and organ transplantation experts who have worked to improve the process of living organ donation and increase the number of living donors; and

(9) salutes all individuals who have helped to give the gift of life by supporting, promoting, and encouraging organ donation.

SENATE RESOLUTION 426—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. COONS (for himself, Mr. WICKER, Mr. BOOZMAN, Mr. BROWN, Mr. COCHRAN, Mr. INHOFE, Mr. DURBIN, Mr. RUBIO, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 426

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being preventable and treatable;

Whereas fighting malaria is in the national security interest of the United States, as reducing the risk of malaria protects members of the United States Armed Forces serving overseas in malaria-endemic regions, and reducing malaria deaths helps to lower risks of instability in less developed countries;

Whereas support for efforts to fight malaria is in the diplomatic and moral interests of the United States, as that support generates goodwill toward the United States and highlights the values of the people of the United States through the work of governmental, nongovernmental, and faith-based organizations of the United States;

Whereas efforts to fight malaria are in the long-term economic interest of the United States because those efforts help developing countries identify at-risk populations, provide better health services, produce healthier and more productive workforces, advance economic development, and promote stronger trading partners;

Whereas 90 percent of all malaria deaths in the world are in sub-Saharan Africa;

Whereas young children and pregnant women are particularly vulnerable to and disproportionately affected by malaria;

Whereas malaria greatly affects child health, as children under the age of 5 accounted for an estimated 77 percent of malaria deaths in 2012;

Whereas malaria poses great risks to maternal and neonatal health, causing complications during delivery, anemia, and low

birth weights, with estimates that malaria causes approximately 10,000 cases maternal deaths and over 200,000 infant deaths annually in Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria during recent years have made significant progress and helped save hundreds of thousands of lives;

Whereas the World Malaria Report 2013 by the World Health Organization states that in 2012, approximately 54 percent of households in sub-Saharan Africa owned at least one insecticide-treated mosquito net, and household surveys indicated that 86 percent of people used an insecticide-treated mosquito net if one was available in the household;

Whereas the World Malaria Report 2013 further states that between 2000 and 2012, malaria mortality rates decreased by 45 percent around the world and by 45 percent in the African Region of the World Health Organization, and an estimated 3,300,000 lives were spared from malaria globally, 90 percent of which were children under five in sub-Saharan Africa.

Whereas the World Malaria Report 2013 further states that out of 97 countries with ongoing transmission of malaria in 2013, 12 countries are classified as being in the pre-elimination phase of malaria control, 7 countries are classified as being in the elimination phase, and 7 countries are classified as being in the prevention of introduction phase;

Whereas, according to the World Malaria Report 2013, there were 207,000,000 cases of malaria globally in 2012, resulting in an estimated 627,000 deaths;

Whereas continued national, regional, and international investment in efforts to eliminate malaria, including prevention and treatment efforts, the development of a vaccine to immunize children from the malaria parasite, and advancements in insecticides, are critical in order to continue to reduce malaria deaths, prevent backsliding in areas where progress has been made, and equip the United States and the global community with the tools necessary to eliminate malaria and other global health threats;

Whereas the United States Government has played a leading role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative (PMI) and the contribution of the United States to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas, in May 2011, an independent, external evaluation, prepared through the Global Health Technical Assistance Project, examining 6 objectives of the President's Malaria Initiative, found the President's Malaria Initiative to be a successful, well-led component of the Global Health Initiative that has ''earned and deserves the task of sustaining and expanding the United States Government's response to global malaria control efforts'';

Whereas the United States Government is pursuing a comprehensive approach to ending malaria deaths through the President's Malaria Initiative, which is led by the United States Agency for International Development and implemented with assistance from the Centers for Disease Control and Prevention, the Department of State, the Department of Health and Human Services, the National Institutes of Health, the Department of Defense, and private sector entities;

Whereas, in 2014, the President's Malaria Initiative Report found that, in 2013, the PMI alone had protected more than 21,000,000 residents by spraying over 5,000,000 houses with insecticides, procured more than 40,000,000 long-lasting ITNs, procured more than 10,000,000 sulfadoxine-pyrimethamine treatments for intermittent preventive treatment (IPTp) in pregnant women, trained more than 16,000 health workers in IPTp, procured more than 48,000,000 treatments of artemisinin-based combination therapy (ACT) and over 51,000,000 malaria rapid diagnostic tests (RDTs), and trained more than 61,000 health workers in treatment of malaria with ACTs and more than 26,000 health workers in laboratory diagnosis of malaria;

Whereas the President's Malaria Initiative focuses on helping partner countries achieve major improvements in overall health outcomes through improved access to, and quality of, healthcare services in locations with limited resources; and

Whereas the President's Malaria Initiative, recognizing the burden of malaria on many partner countries, has set a target of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa, by 2015: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria morbidity, mortality, and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) supports ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) recognizes the goals, priorities, and authorities to combat malaria set forth in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293);

(6) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to combat malaria and to work with developing countries to create long-term strategies to increase ownership over malaria programs; and

(7) encourages other members of the international community to sustain and increase their support for and financial contributions to efforts to combat malaria worldwide.

SENATE RESOLUTION 427—EXPRESSING THE SENSE OF THE SENATE ABOUT THE IMPORTANCE OF EFFECTIVE CIVIC EDUCATION PROGRAMS IN SCHOOLS IN THE UNITED STATES

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

S. RES. 427

Whereas civic education is essential to the preservation and improvement of the constitutional government of the United States;

Whereas civic education programs foster understanding of the history and principles of the constitutional government of the United States, including principles that are embodied in certain fundamental documents and speeches, such as the Declaration of Independence, the Constitution of the United States, the Bill of Rights, the Federalist Papers, the Gettysburg Address, and Dr. Martin Luther King, Jr.'s ''I Have a Dream'' speech;

Whereas research shows that too few people in the United States understand basic principles of the constitutional government of the United States, such as the natural rights set forth in the Declaration of Independence, the existence and functions of the 3 branches of the Federal Government, checks and balances, and other concepts fundamental to informed citizenship;

Whereas since the founding of the United States, schools in the United States have had a strong civic mission to prepare students to be informed, rational, humane, and involved citizens who are committed to the values and principles of the constitutional government of the United States;

Whereas a free society relies on the knowledge, skills, and virtue of the citizens of such society, particularly the individuals elected to public office to represent such citizens;

Whereas while many institutions help to develop the knowledge and skills and shape the civic character of people in the United States, schools in the United States, including elementary schools, bear a special and historic responsibility for the development of civic competence and civic responsibility of students;

Whereas student learning is enhanced by well-designed classroom civic education programs that—

(1) incorporate instruction in government, history, law, and democracy;

(2) promote discussion of current events and controversial issues;

(3) link community service and the formal curriculum; and

(4) encourage students to participate in simulations of democratic processes; and

Whereas research shows that the knowledge and expertise of teachers are among the most important factors in increasing student achievement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) civic education is essential to the well-being of the constitutional government of the United States;

(2) comprehensive and formal instruction in civics and government provides students with a basis for understanding the rights and responsibilities of citizens in the constitutional government of the United States;

(3) elementary and secondary schools in the United States are encouraged to offer courses on history and theories of the constitutional government of the United States, using programs and curricula with a demonstrated effectiveness in fostering civic competence, civic responsibility, and a reasoned commitment to the fundamental values and principles underlying the constitutional government of the United States; and

(4) all teachers of civics and government are well served by having access to adequate opportunities to enrich teaching through professional development programs that enhance the capacity of such teachers to provide effective civic education in the classroom.

SENATE RESOLUTION 428—PROMOTING MINORITY HEALTH AWARENESS AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL MINORITY HEALTH MONTH IN APRIL 2014, WHICH INCLUDE BRINGING ATTENTION TO THE HEALTH DISPARITIES FACED BY MINORITY POPULATIONS OF THE UNITED STATES, SUCH AS AMERICAN INDIANS, ALASKA NATIVES, ASIAN AMERICANS, AFRICAN AMERICANS, HISPANIC AMERICANS, AND NATIVE HAWAIIANS OR OTHER PACIFIC ISLANDERS

Mr. CARDIN (for himself, Mr. SCHATZ, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 428

Whereas through the ''National Stakeholder Strategy for Achieving Health Equity'' and the ''HHS Action Plan to Reduce Racial and Ethnic Health Disparities'', the Department of Health and Human Services has set goals and strategies to advance the safety, health, and well-being of people of the United States;

Whereas a study by the Joint Center for Political and Economic Studies, entitled ''The Economic Burden of Health Inequalities in the United States'', concludes that, between 2003 and 2006, the combined cost of ''health inequalities and premature death in the United States'' was $1,240,000,000,000;

Whereas the Department of Health and Human Services has identified 6 main categories in which racial and ethnic minorities experience the most disparate access to health care and health outcomes, including infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

Whereas African-American women are more than twice as likely to die of cervical cancer than White women and are more likely to die of breast cancer than women of any other racial or ethnic group;

Whereas the death rate from stroke is 50 percent higher among African Americans than among Whites;

Whereas Native Hawaiians living in Hawaii are 5.7 times more likely to die of diabetes than non-Hispanic Whites living in Hawaii;

Whereas in 2011, Asian Americans were 2.9 times more likely than Whites to contract Hepatitis A;

Whereas among all ethnic groups in 2011, Asian Americans and Pacific Islanders had the highest incidence of Hepatitis A;

Whereas Asian-American women are 1.5 times more likely than non-Hispanic Whites to die from viral hepatitis;

Whereas Asian Americans are 5.5 times more likely than Whites to develop chronic Hepatitis B;

Whereas in 2011, 82 percent of children born infected with HIV belonged to minority groups;

Whereas the Department of Health and Human Services has identified diseases of the heart, malignant neoplasm, unintentional injuries, and diabetes as some of the leading causes of death among American Indians and Alaska Natives;

Whereas American Indians and Alaska Natives die from diabetes, alcoholism, unintentional injuries, homicide, and suicide at higher rates than other people in the United States;

Whereas American Indians and Alaska Natives have a life expectancy that is 4.2 years shorter than the life expectancy of the overall population of the United States;

Whereas marked differences in the social determinants of health, described by the World Health Organization as ''the high burden of illness responsible for appalling premature loss of life [that] arises in large part because of the conditions in which people are born, grow, live, work, and age'', lead to poor health outcomes and declines in longevity; and

Whereas community-based health care initiatives, such as prevention-focused programs, present a unique opportunity to use innovative approaches to improve health care practices across the United States and sharply reduce disparities among racial and ethnic minority populations: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Minority Health Month in April 2014, which include bringing attention to the severe health disparities faced by minority populations in the United States, such as American Indians, Alaska Natives, Asian Americans, African Americans, Hispanic Americans, and Native Hawaiians or other Pacific Islanders.

SENATE RESOLUTION 429—DESIGNATING APRIL 30, 2014, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. MENENDEZ (for himself, Mr. REID, Mr. CRAPO, Mr. BENNET, Mr. DURBIN, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. REED, Ms. LANDRIEU, Mr. HEINRICH, and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

S. RES. 429

Whereas many countries throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on April 30 each year, in recognition and celebration of the future of their country: their children;

Whereas children represent the hopes and dreams of the people of the United States, and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the spirit of the United States;

Whereas, according to the 2012 American Community Survey by the Bureau of the Census, approximately 17,500,000 of the nearly 53,000,000 individuals of Hispanic descent living in the United States are children under the age of 18, representing about ⅓ (33 percent) of the total Hispanic population residing in the United States and roughly ¼ of the total population of children in the United States;

Whereas Hispanic Americans, the youngest and fastest-growing racial or ethnic community in the United States, celebrate the tradition of honoring their children on Día de los Niños and wish to share this custom with the rest of the United States;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and children are responsible for passing on family values, morality, and culture to future generations;

Whereas the importance of literacy and education is most often communicated to children through their family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm the significance of family, education, and community for the people of the United States;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, articulate their aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the United States to declare April 30, 2014, to be ''Día de los Niños: Celebrating Young Americans'', a day to bring together Latinos and other communities in the United States to celebrate and uplift children; and

Whereas the children of a country are the responsibility of all people of that country, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2014, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(D) include all members of a family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, which will enable children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to build relationships; and

(F) provide children with the support they need to develop skills and confidence and find the inner strength, will, and fire of the human spirit to make their dreams come true.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2972. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2223, to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property; which was ordered to lie on the table.

SA 2973. Mr. THUNE (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2972. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2223, to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Energy Renaissance Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—EXPANDING AMERICAN ENERGY EXPORTS

SEC. 1001. FINDING.

Congress finds that opening up energy exports will contribute to economic development, private sector job growth, and continued growth in American energy production.

SEC. 1002. NATURAL GAS EXPORTS.

(a) FINDING.—Congress finds that expanding natural gas exports will lead to increased investment and development of domestic supplies of natural gas that will contribute to job growth and economic development.

(b) NATURAL GAS EXPORTS.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by inserting ''or any other nation not excluded by this section'' after ''trade in natural gas'';

(2) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes''; and

(3) by adding at the end the following:

''(2) EXCLUSIONS.—

''(A) IN GENERAL.—Any nation subject to sanctions or trade restrictions imposed by the United States is excluded from expedited approval under paragraph (1).

''(B) DESIGNATION BY PRESIDENT OR CONGRESS.—The President or Congress may designate nations that may be excluded from expedited approval under paragraph (1) for reasons of national security.

''(3) ORDER NOT REQUIRED.—No order is required under subsection (a) to authorize the export or import of any natural gas to or from Canada or Mexico.''.

SEC. 1003. CRUDE OIL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) the restrictions on crude oil exports from the 1970s are no longer necessary due to the technological advances that have increased the domestic supply of crude oil; and

(2) repealing restrictions on crude oil exports will contribute to job growth and economic development.

(b) REPEAL OF PRESIDENTIAL AUTHORITY TO RESTRICT OIL EXPORTS.—

(1) IN GENERAL.—Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 12 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719j) is amended—

(i) by striking ''and section 103 of the Energy Policy and Conservation Act''; and

(ii) by striking ''such Acts'' and inserting ''that Act''.

(B) The Energy Policy and Conservation Act is amended—

(i) in section 251 (42 U.S.C. 6271)—

(I) by striking subsection (d); and

(II) by redesignating subsection (e) as subsection (d); and

(ii) in section 523(a)(1) (42 U.S.C. 6393(a)(1)), by striking ''(other than section 103 thereof)''.

(c) REPEAL OF LIMITATIONS ON EXPORTS OF OIL.—

(1) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(A) by striking subsection (u); and

(B) by redesignating subsections (v) through (y) as subsection (u) through (x), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 1107(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C.

3167(c)) is amended by striking ''(u) through (y)'' and inserting ''(u) through (x)''.

(B) Section 23 of the Deep Water Port Act of 1974 (33 U.S.C. 1522) is repealed.

(C) Section 203(c) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652(c)) is amended in the first sentence by striking ''(w)(2), and (x))'' and inserting ''(v)(2), and (w))''.

(D) Section 509(c) of the Public Utility Regulatory Policies Act of 1978 (43 U.S.C. 2009(c)) is amended by striking ''subsection (w)(2)'' and inserting ''subsection (v)(2)''.

(d) REPEAL OF LIMITATIONS ON EXPORT OF OCS OIL OR GAS.—Section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354) is repealed.

(e) TERMINATION OF LIMITATION ON EXPORTATION OF CRUDE OIL.—Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) shall have no force or effect.

(f) CLARIFICATION OF CRUDE OIL REGULATION.—

(1) IN GENERAL.—Section 754.2 of title 15, Code of Federal Regulations (relating to crude oil) shall have no force or effect.

(2) CRUDE OIL LICENSE REQUIREMENTS.—The Bureau of Industry and Security of the Department of Commerce shall grant licenses to export to a country crude oil (as the term is defined in subsection (a) of the regulation referred to in paragraph (1)) (as in effect on the date that is 1 day before the date of enactment of this Act) unless—

(A) the country is subject to sanctions or trade restrictions imposed by the United States; or

(B) the President or Congress has designated the country as subject to exclusion for reasons of national security.

SEC. 1004. COAL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) increased international demand for coal is an opportunity to support jobs and promote economic growth in the United States; and

(2) exports of coal should not be unreasonably restricted or delayed.

(b) NEPA REVIEW FOR COAL EXPORTS.—In completing an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for an approval or permit for coal export terminals, or transportation of coal to coal export terminals, the Secretary of the Army, acting through the Chief of Engineers—

(1) may only take into account domestic environmental impacts; and

(2) may not take into account any impacts resulting from the final use overseas of the exported coal.

TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE

Subtitle A—North American Energy Infrastructure

SEC. 2001. FINDING.

Congress finds that the United States should establish a more efficient, transparent, and modern process for the construction, connection, operation, and maintenance of oil and natural gas pipelines and electric transmission facilities for the import and export of oil, natural gas, and electricity to and from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

SEC. 2002. DEFINITIONS.

In this title:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) INDEPENDENT SYSTEM OPERATOR.—The term ''Independent System Operator'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) NATURAL GAS.—The term ''natural gas'' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(4) OIL.—The term ''oil'' means petroleum or a petroleum product.

(5) REGIONAL ENTITY.—The term ''regional entity'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(6) REGIONAL TRANSMISSION ORGANIZATION.—The term ''Regional Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 2003. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsections (d) and (e), no person may construct, connect, operate, or maintain an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico without obtaining approval of the construction, connection, operation, or maintenance under this section.

(b) APPROVAL.—

(1) REQUIREMENT.—Not later than 120 days after receiving a request for approval of construction, connection, operation, or maintenance under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall approve the request unless the relevant official finds that the construction, connection, operation, or maintenance harms the national security interests of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of Commerce with respect to oil pipelines;

(B) the Federal Energy Regulatory Commission with respect to natural gas pipelines; and

(C) the Secretary of Energy with respect to electric transmission facilities.

(3) APPROVAL NOT MAJOR FEDERAL ACTION.—An approval of construction, connection, operation, or maintenance under paragraph (1) shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for approval of the construction, connection, operation, or maintenance of an electric transmission facility, the Secretary of Energy shall require, as a condition of approval of the request under paragraph (1), that the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the electric transmission facility.

(c) NO OTHER APPROVAL REQUIRED.—No Presidential permit (or similar permit) required under Executive Order 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301 of title 3, United States Code, Executive Order 12038 (43 Fed. Reg. 3674 (January 26, 1978)), Executive Order 10485 (18 Fed. Reg. 5397 (September 9, 1953)), or any other Executive order shall be necessary for construction, connection, operation, or maintenance to which this section applies.

(d) EXCLUSIONS.—This section shall not apply to—

(1) any construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico if—

(A) the pipeline or facility is operating at the national boundary for that import or export as of the date of enactment of this Act;

(B) a permit described in subsection (c) for the construction, connection, operation, or maintenance has been issued;

(C) approval of the construction, connection, operation, or maintenance has previously been obtained under this section; or

(D) an application for a permit described in subsection (c) for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(i) the date on which the application is denied; and

(ii) July 1, 2015; or

(2) the construction, connection, operation, or maintenance of the Keystone XL pipeline.

(e) MODIFICATIONS TO EXISTING PROJECTS.—No approval under this section, or permit described in subsection (c), shall be required for modifications to construction, connection, operation, or maintenance described in subparagraphs (A), (B), or (C) of subsection (d)(1), including reversal of flow direction, change in ownership, volume expansion, downstream or upstream interconnection, or adjustments to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(f) EFFECT OF OTHER LAWS.—Nothing in this section affects the application of any other Federal law to a project for which approval of construction, connection, operation, or maintenance is sought under this section.

SEC. 2004. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended by striking subsection (e).

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended—

(A) by redesignating subsections (f) and (g) as subsection (e) and (f), respectively; and

(B) in subsection (e) (as so redesignated), by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

SEC. 2005. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) EFFECTIVE DATE.—Sections 2003 and 2004, and the amendments made by those sections, shall take effect on July 1, 2015.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 2003(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal

Register notice of a proposed rulemaking to carry out the applicable requirements of section 2003; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 2003.

Subtitle B—Keystone XL Permit Approval

SEC. 2011. FINDINGS.

Congress finds that—

(1) building the Keystone XL pipeline will provide jobs and economic growth to the United States; and

(2) the Keystone XL pipeline should be approved immediately.

SEC. 2012. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—Notwithstanding Executive Order 13337 (3 U.S.C. 301 note ; 69 Fed. Reg. 25299 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State for the northern portion of the Keystone XL pipeline from the Canadian border to the border between the States of South Dakota and Nebraska.

(b) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on January 31, 2014, regarding the pipeline referred to in subsection (a), shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) CRITICAL HABITAT.—No area necessary to construct or maintain the Keystone XL pipeline shall be considered critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other provision of law.

(d) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, shall remain in effect.

(e) FEDERAL JUDICIAL REVIEW.—The pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this section, 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.

TITLE III—OUTER CONTINENTAL SHELF LEASING

SEC. 3001. FINDING.

Congress finds that the United States has enormous potential for offshore energy development and that the people of the United States should have access to the jobs and economic benefits from developing those resources.

SEC. 3002. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this title as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2014 through 2019.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2014 through 2019.

SEC. 3003. LEASE SALES.

(a) IN GENERAL.—Except as otherwise provided in this section, not later than 180 days after the date of enactment of this Act and every 270 days thereafter, the Secretary shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(b) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this section, not later than 2 years after the date of the determination and every 2 years thereafter, the Secretary shall—

(1) make an additional determination on whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(2) if the Secretary determines that there is a commercial interest under paragraph (1), conduct a lease sale in the planning area.

(c) PROTECTION OF STATE INTEREST.—In developing future leasing programs, the Secretary shall give deference to affected coastal States (as the term is used in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) in determining leasing areas to be included in the leasing program.

(d) PETITIONS.—If a person petitions the Secretary to conduct a lease sale for an outer Continental Shelf planning area in which the person has a commercial interest, the Secretary shall conduct a lease sale for the area in accordance with subsection (a).

SEC. 3004. APPLICATIONS FOR PERMITS TO DRILL.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) APPLICATIONS FOR PERMITS TO DRILL.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall approve or disapprove an application for a permit to drill submitted under this Act not later than 20 days after the date on which the application is submitted to the Secretary.

''(2) DISAPPROVAL.—If the Secretary disapproves an application for a permit to drill under paragraph (1), the Secretary shall—

''(A) provide to the applicant a description of the reasons for the disapproval of the application;

''(B) allow the applicant to resubmit an application during the 10-day period beginning on the date of the receipt of the description described in subparagraph (A) by the applicant; and

''(C) approve or disapprove any resubmitted application not later than 10 days after the date on which the application is submitted to the Secretary.''.

SEC. 3005. LEASE SALES FOR CERTAIN AREAS.

(a) IN GENERAL.—As soon as practicable but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct Lease Sale 220 for areas offshore of the State of Virginia.

(b) COMPLIANCE WITH OTHER LAWS.—For purposes of the lease sale described in subsection (a), the environmental impact statement prepared under section 3001 shall satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) ENERGY PROJECTS IN GULF OF MEXICO.—

(1) JURISDICTION.—The United States Court of Appeals for the Fifth Circuit shall have exclusive jurisdiction over challenges to offshore energy projects and permits to drill carried out in the Gulf of Mexico.

(2) FILING DEADLINE.—Any civil action to challenge a project or permit described in paragraph (1) shall be filed not later than 60 days after the date of approval of the project or the issuance of the permit.

TITLE IV—UTILIZING AMERICA'S ONSHORE RESOURCES

SEC. 4001. FINDINGS.

Congress finds that—

(1) current policy has failed to take full advantage of the natural resources on Federal land;

(2) the States should be given the option to lead energy development on all available Federal land in a State; and

(3) the Federal Government should not inhibit energy development on Federal land.

SEC. 4002. STATE OPTION FOR ENERGY DEVELOPMENT.

Notwithstanding any other provision of this title, a State may elect to control energy development and production on available Federal land in accordance with the terms and conditions of subtitle A and the amendments made by subtitle A in lieu of being subject to the Federal system established under subtitle B and the amendments made by subtitle B.

Subtitle A—Energy Development by States

SEC. 4011. DEFINITIONS.

In this subtitle:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of the date of enactment of this Act—

(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.

SEC. 4012. STATE PROGRAMS.

(a) IN GENERAL.—A State—

(1) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise the rights of the State to develop all forms of energy resources on available Federal land in the State; and

(2) as a condition of certification under section 4013(b) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under paragraph (1) has been established or amended.

(b) AMENDMENT OF PROGRAMS.—A State may amend a program developed and certified under this subtitle at any time.

(c) CERTIFICATION OF AMENDED PROGRAMS.—Any program amended under subsection (b) shall be certified under section 4013(b).

SEC. 4013. LEASING, PERMITTING, AND REGULATORY PROGRAMS.

(a) SATISFACTION OF FEDERAL REQUIREMENTS.—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.—Upon submission of a declaration by a State under section 4012(a)(2)—

(1) the program under section 4012(a)(1) shall be certified; and

(2) the State shall receive all rights from the Federal Government to develop all forms of energy resources covered by the program.

(c) 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 subsection (b), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

SEC. 4014. JUDICIAL REVIEW.

Activities carried out in accordance with this subtitle shall not be subject to Federal judicial review.

SEC. 4015. ADMINISTRATIVE PROCEDURE ACT.

Activities carried out in accordance with this subtitle 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'').

Subtitle B—Onshore Oil and Gas Permit Streamlining

PART I—OIL AND GAS LEASING CERTAINTY

SEC. 4021. 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 OF SECRETARY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under paragraph (1)—

''(i) there shall be a presumption that nominated land should be leased; and

''(ii) the Secretary of the Interior shall offer for sale all of the nominated acreage not previously made available for lease, unless the Secretary demonstrates by clear and convincing evidence that an individual lease should not be granted.

''(B) ADMINISTRATION.—Acreage offered for lease pursuant to this paragraph—

''(i) shall not be subject to protest; and

''(ii) shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that the categorical exclusions shall not be subject to the test of extraordinary circumstances or any other similar regulation or policy guidance.

''(C) AVAILABILITY.—In administering this paragraph, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

SEC. 4022. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 4061) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary of the Interior shall not withdraw any covered energy project (as defined in section 4051 of the American Energy Renaissance Act of 2014) issued 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 the lease.

''(C) AVAILABILITY FOR LEASE.—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 using the criteria established under section 2.

''(D) LAST PAYMENT.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold not later than 60 days after the last payment is made.

''(ii) CANCELLATION.—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.

''(E) PROTESTS.—

''(i) IN GENERAL.—Not later than the end of the 60-day period beginning on the date a lease sale is held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale.

''(ii) UNSETTLED PROTEST.—If, after the 60-day period described in clause (i) any protest is left unsettled—

''(I) the protest shall be considered automatically denied; and

''(II) the appeal rights of the protestor shall begin.

''(F) ADDITIONAL LEASE STIPULATIONS.—No additional lease stipulation may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary considers the stipulation as an emergency action to conserve the resources of the United States.''.

SEC. 4023. LEASING CONSISTENCY.

A Federal land manager shall follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

SEC. 4024. REDUCE REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

SEC. 4025. STREAMLINED CONGRESSIONAL NOTIFICATION.

Section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)) is amended in the first sentence of the matter following paragraph (4) by striking ''at least thirty days in advance of the reinstatement'' and inserting ''in an annual report''.

PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

SEC. 4031. 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.—Not later than the end of the 30-day period beginning on the date an application for a permit to drill is received by the Secretary, the Secretary shall decide whether to issue the permit.

''(B) EXTENSION.—

''(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 has given 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 titles of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date 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 statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION DEEMED APPROVED.—

''(i) IN GENERAL.—Except as provided in clause (ii), 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 approved.

''(ii) EXCEPTIONS.—Clause (i) shall not apply in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or 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.—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) RESUBMITTED APPLICATION.—The fee required under 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 for each fiscal year, 50 percent shall be—

''(I) transferred to the field office at which the fees are collected; and

''(II) used to process protests, leases, and permits under this Act.''.

SEC. 4032. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) (as amended by section 4031) is amended by adding at the end the following:

''(4) PROTEST FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each administrative protest for a lease, right-of-way, or application for a permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph for each fiscal year, 50 percent shall—

''(i) remain in the field office at which the fees are collected; and

''(ii) be used to process protests.''.

SEC. 4033. IMPROVED FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECT.—The term ''energy project'' includes any oil, natural gas, coal, or other energy project, 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 each 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 carrying out 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 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), each Federal signatory party shall, if appropriate, assign to each Bureau of Land Management field office 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 the 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. 1600 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 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 described 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 office, 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.—Funding for the additional personnel shall come from the Department of the Interior reforms under paragraph (2) of section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) (as amended by section 4031 and section 4032).

(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 any employee of which is participating in the Project.

SEC. 4034. ADMINISTRATION.

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).

PART III—OIL SHALE

SEC. 4041. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69414) shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the regulations described in paragraph (1) (including the oil shale leasing program authorized by the regulations) without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations) to the contrary, the Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and the Final Programmatic Environmental Impact Statement of the Bureau of Land Management, as in effect on November 17, 2008, shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the oil shale leasing program authorized by the regulations described in paragraph (1) in those areas covered by the resource management plans covered by the amendments, and covered by the record of decision, described in paragraph (1) without any other administrative action necessary.

SEC. 4042. OIL SHALE LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary of the Interior shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale development, as determined by the Secretary, in areas nominated through public comment.

(2) ADMINISTRATION.—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; ;and

(B) in multiple lease blocs.

PART IV—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

SEC. 4051. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska 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. 4052. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

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) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve—

''(1) in accordance with this Act; and

''(2) that shall include at least 1 lease sale annually in the areas of the Reserve most likely to produce commercial quantities of oil and natural gas for each of calendar years 2014 through 2023.''.

SEC. 4053. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall facilitate and ensure permits, in a timely and 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 National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the National Petroleum Reserve in Alaska in the most direct manner possible to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINE.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for the construction described in subsection (a) for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved not later than 60 days after the date of enactment of this Act.

(2) Permits for the construction described in subsection (a) for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved not later than 180 days after the date on which a request for a permit to drill is submitted to the Secretary.

(c) PLAN.—To ensure timely future development of the National Petroleum Reserve in Alaska, 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 that will ensure that all leasable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 4054. ISSUANCE OF A NEW INTEGRATED ACTIVITY PLAN AND ENVIRONMENTAL IMPACT STATEMENT.

(a) ISSUANCE OF NEW INTEGRATED ACTIVITY PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue—

(1) a new proposed integrated activity plan from among the nonadopted alternatives in the National Petroleum Reserve Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013; and

(2) an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for issuance of oil and gas leases in the National Petroleum Reserve-Alaska to promote efficient and maximum development of oil and natural gas resources of the Reserve.

(b) NULLIFICATION OF EXISTING RECORD OF DECISION, IAP, AND EIS.—Except as provided in subsection (a), the National Petroleum Reserve-Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013, including the integrated activity plan and environmental impact statement referred to in that record of decision, shall have no force or effect.

SEC. 4055. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

The Secretary of the Interior shall promulgate regulations not later than 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve-Alaska.

SEC. 4056. DEADLINES UNDER NEW PROPOSED INTEGRATED ACTIVITY PLAN.

At a minimum, the new proposed integrated activity plan issued under section 4054(a)(1) shall—

(1) require the Department of the Interior to respond within 5 business days to a person who submits an application for a permit for development of oil and natural gas leases in the National Petroleum Reserve-Alaska acknowledging receipt of the application; and

(2) establish a timeline for the processing of each application that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provides that the period for issuing a permit after the date on which the application is submitted shall not exceed 60 days without the concurrence of the applicant.

SEC. 4057. 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 National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The assessment required by 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 assessment required by subsection (a) shall be completed 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.

PART V—MISCELLANEOUS PROVISIONS

SEC. 4061. SANCTIONS.

Nothing in this title authorizes the issuance of a lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) to any person designated for the imposition of sanctions pursuant to—

(1) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note; Public Law 108–175);

(2) the Comprehensive Iran Sanctions, Accountability, and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.);

(3) section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a);

(4) the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.);

(5) the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);

(6) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104–172);

(7) Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

(8) Executive Order 13338 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting the export of certain goods to Syria);

(9) Executive Order 13622 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran);

(10) Executive Order 13628 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran); or

(11) Executive Order 13645 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran).

SEC. 4062. 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 of 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.—Each individual Internet-based lease sale shall conclude not later than 7 days after the date on which the sale begins.''.

(b) REPORT.—Not later than 90 days after the date on which the tenth Internet-based lease sale conducted under the amendment made by subsection (a) concludes, the Secretary of the Interior shall analyze the first 10 Internet-based lease sales and report to Congress the findings of the analysis, including—

(1) estimates on increases or decreases in Internet-based lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of bid;

(C) the highest amount bid; and

(D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of Internet-based lease sales, 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 provide an opportunity to better—

(A) 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.

PART VI—JUDICIAL REVIEW

SEC. 4071. DEFINITIONS.

In this part:

(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—

(i) the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy; and

(ii) any action under the lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

SEC. 4072. 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 in which the covered energy project or lease exists or is proposed.

SEC. 4073. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than the end of the 90-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

SEC. 4074. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 4075. 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) DURATION.—

(1) IN GENERAL.—A court shall limit the duration of preliminary injunctions to halt covered energy projects to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) ADMINISTRATION.—In the case of an extension, the extension shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

SEC. 4076. LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.

(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) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 4077. LEGAL STANDING.

A challenger that files an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—ADDITIONAL ONSHORE RESOURCES

Subtitle A—Leasing Program for Land Within Coastal Plain

SEC. 5001. FINDING.

Congress finds that development of energy reserves under the Coastal Plain of Alaska, performed in an environmentally responsible manner, will contribute to job growth and economic development.

SEC. 5002. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means the area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term ''peer reviewed'' means reviewed—

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with, or those who have no application for a grant or other funding pending with, the Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5003. LEASING PROGRAM FOR LAND ON THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall—

(1) establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain do not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, subsistence resources, or the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section on the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The document of the Department of the Interior entitled ''Final Legislative Environmental Impact Statement'' and dated April 1987 relating to the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities under this subtitle, including actions authorized to be taken by the Secretary to develop and promulgate regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Prior to conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle not covered by paragraph (2).

(B) NONLEASING ALTERNATIVES NOT REQUIRED.—Notwithstanding any other provision of law, in preparing the environmental impact statement under subparagraph (A), the Secretary—

(i) shall—

(I) only identify a preferred action for leasing and a single leasing alternative; and

(II) analyze the environmental effects and potential mitigation measures for those 2 alternatives; and

(ii) is not required—

(I) to identify nonleasing alternative courses of action; or

(II) to analyze the environmental effects of nonleasing alternative courses of action.

(C) DEADLINE.—The identification under subparagraph (B)(i)(I) for the first lease sale conducted under this subtitle shall be completed not later than 18 months after the date of enactment of this Act.

(D) PUBLIC COMMENT.—The Secretary shall only consider public comments that—

(i) specifically address the preferred action of the Secretary; and

(ii) are filed not later than 20 days after the date on which the environmental analysis is published.

(E) COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik and the North Slope Borough of the State of Alaska, may designate not more than 45,000 acres of the Coastal Plain as a ''Special Area'' if the Secretary determines that the area is of such unique character and interest so as to require special management and regulatory protection.

(2) SADLEROCHIT SPRING AREA.—The Secretary shall designate the Sadlerochit Spring area, consisting of approximately 4,000 acres, as a Special Area.

(3) MANAGEMENT.—Each Special Area shall be managed to protect and preserve the unique and diverse character of the area, including the fish, wildlife, and subsistence resource values of the area.

(4) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any Special Area from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases a Special Area, or any part of a Special Area, for oil and gas exploration, development, production, or related activities, there shall be no surface occupancy of the land comprising the Special Area.

(5) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The authority of the Secretary to close land on the Coastal Plain to oil and gas leasing, exploration, development, or production shall be limited to the authority provided under this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this subtitle, including regulations relating to protection of fish and wildlife, the habitat of fish and wildlife, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations promulgated under paragraph (1) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 5004. LEASE SALES.

(a) IN GENERAL.—In accordance with the requirements of this subtitle, the Secretary may lease land under this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and not later than 180 days after the date of enactment of this Act, establish procedures for—

(1) receipt and consideration of sealed nominations for any area of the Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this subtitle may be conducted through an Internet leasing program, if the Secretary determines that the Internet leasing program will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—The Secretary shall—

(1) offer for lease under this subtitle—

(A) those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received under subsection (b)(1); and

(B)(i) not fewer than 50,000 acres by not later than 22 months after the date of the enactment of this Act; and

(ii) not fewer than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the initial offering under subclause (i);

(2) conduct 4 additional lease sales under the same terms and schedule as the last lease sale under paragraph (1)(B)(ii) not later than 2 years after the date of that sale, if sufficient interest in leasing exists to warrant, in the judgment of the Secretary, the conduct of the sales; and

(3) evaluate the bids in each lease sale under this subsection and issue leases resulting from the sales not later than 90 days

after the date on which the sale is completed.

SEC. 5005. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 5004 any land to be leased on the Coastal Plain upon payment by the bidder of any bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary after the Secretary consults with, and gives due consideration to the views of, the Attorney General.

SEC. 5006. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued under this subtitle shall—

(1) provide for the payment of a royalty of not less than 12.5 percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of land on the Coastal Plain shall be fully responsible and liable for the reclamation of land on the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and on the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the land was capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, the habitat of fish and wildlife, subsistence resources, and the environment as required under section 5003(a)(2);

(7) provide that the lessee, agents of the lessee, and contractors of the lessee use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State; and

(8) contain such other provisions as the Secretary determines necessary to ensure compliance with this subtitle and the regulations issued pursuant to this subtitle.

SEC. 5007. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 5003, administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain shall not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, or the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—With respect to any proposed drilling and related activities, the Secretary shall require that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, the habitat of fish and wildlife, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Prior to implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and compliance with the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the document of the Department of the Interior entitled ''Final Legislative Environmental Impact Statement'' and dated April 1987 relating to the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies—

(A) be limited to the period between approximately November 1 and May 1 each year; and

(B) be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that exploration activities may occur at other times if the Secretary finds that the exploration will have no significant adverse effect on the fish and wildlife, the habitat of fish and wildlife, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that minimize, to the maximum extent practicable, adverse effects on—

(A) the passage of migratory species such as caribou; and

(B) the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on the use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river systems, the protection of natural surface drainage patterns, wetlands, and riparian habitats, and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law (including regulations).

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions determined necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations; and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, the habitat of fish and wildlife, and the environment.

(D) Using existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain subject to section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 5008. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of—

(A) any provision of this subtitle shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) any action of the Secretary under this subtitle shall be filed—

(i) except as provided in clause (ii), during the 90-day period beginning on the date on which the action is challenged; or

(ii) in the case of a complaint based solely on grounds arising after the period described in clause (i), not later than 90 days after the date on which the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—

(A) IN GENERAL.—Judicial review of a decision by the Secretary to conduct a lease sale under this subtitle, including an environmental analysis, shall be—

(i) limited to whether the Secretary has complied with this subtitle; and

(ii) based on the administrative record of that decision.

(B) PRESUMPTION.—The identification by the Secretary of a preferred course of action to enable leasing to proceed and the analysis by the Secretary of environmental effects under this subtitle is presumed to be correct unless shown otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—

(1) 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 any action under this subtitle.

(2) COURT COSTS.—A party to any action under this subtitle shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 5009. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 90 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle shall be deposited in the Treasury.

SEC. 5010. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this subtitle—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, the habitat of fish and wildlife, subsistence resources, or the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations promulgated under section 5003(g) provisions granting rights-of-way and easements described in subsection (a).

SEC. 5011. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on titles to land and clarifying land ownership patterns on the Coastal Plain, and notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), the Secretary shall convey—

(1) to the Kaktovik Inupiat Corporation, the surface estate of the land described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which the Arctic Slope Regional Corporation is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

Subtitle B—Native American Energy

SEC. 5021. FINDINGS.

Congress finds that—

(1) the Federal Government has unreasonably interfered with the efforts of Indian tribes to develop energy resources on tribal land; and

(2) Indian tribes should have the opportunity to gain the benefits of the jobs, investment, and economic development to be gained from energy development.

SEC. 5022. APPRAISALS.

(a) AMENDMENT.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISAL REFORMS.

''(a) OPTIONS TO INDIAN TRIBES.—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal or other estimates of value relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.—Not later than 30 days after the date on which the Secretary receives an appraisal conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) provide to the Indian tribe a written notice of approval or disapproval of the appraisal.

''(c) FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.—If the Secretary has failed to approve or disapprove any appraisal by the date that is 60 days after the date on which the appraisal is received, the appraisal shall be deemed approved.

''(d) OPTION OF INDIAN TRIBES TO WAIVE APPRAISAL.—An Indian tribe may waive the requirements of subsection (a) if the Indian tribe provides to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent to waive the requirements that—

''(1) is duly approved by the governing body of the Indian tribe; and

''(2) includes an express waiver by the Indian tribe of any claims for damages the Indian tribe might have against the United States as a result of the waiver.

''(e) REGULATIONS.—The Secretary shall promulgate regulations to implement this section, including standards the Secretary shall use for approving or disapproving an appraisal under subsection (b).''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:

''Sec. 2607. Appraisal reforms.''.

SEC. 5023. STANDARDIZATION.

As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian land shall use a uniform system of reference numbers and tracking systems for oil and gas wells.

SEC. 5024. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended—

(1) in the matter preceding paragraph (1) by inserting ''(a) IN GENERAL.—'' before ''The Congress authorizes''; and

(2) by adding at the end the following:

''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.—

''(1) DEFINITIONS OF INDIAN LAND AND INDIAN TRIBE.—In this subsection, the terms 'Indian land' and 'Indian tribe' have the meaning given those terms in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

''(2) IN GENERAL.—For any major Federal action on Indian land of an Indian tribe requiring the preparation of a statement under subsection (a)(2)(C), the statement shall only be available for review and comment by—

''(A) the members of the Indian tribe; and

''(B) any other individual residing within the affected area.

''(3) REGULATIONS.—The Chairman of the Council on Environmental Quality, in consultation with Indian tribes, shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions.''.

SEC. 5025. JUDICIAL REVIEW.

(a) DEFINITIONS.—In this section:

(1) AGENCY ACTION.—The term ''agency action'' has the meaning given the term in section 551 of title 5, United States Code.

(2) ENERGY RELATED ACTION.—The term ''energy-related action'' means a civil action that—

(A) is filed on or after the date of enactment of this Act; and

(B) seeks judicial review of a final agency action relating to the issuance of a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct on Indian Land activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of 2 or more entities, not less than 1 of which is an Indian tribe, to conduct activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(3) INDIAN LAND.—

(A) IN GENERAL.—The term ''Indian land'' has the meaning given the term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

(B) INCLUSION.—The term ''Indian land'' includes land owned by a Native Corporation (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) under that Act (43 U.S.C. 1601 et seq.).

(4) ULTIMATELY PREVAIL.—

(A) IN GENERAL.—The term ''ultimately prevail'' means, in a final enforceable judgment that the court rules in the party's favor on at least 1 civil claim that is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party.

(B) EXCLUSION.—The term ''ultimately prevail'' does not include circumstances in which the final agency action is modified or amended by the issuing agency unless the modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

(b) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Any energy related action shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(2) PROHIBITION.—Any energy related action that is not filed within the time period described in paragraph (1) shall be barred.

(c) DISTRICT COURT VENUE AND DEADLINE.—An energy related action—

(1) may only be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after the energy related action is filed.

(d) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action—

(1) may be appealed to the United States Court of Appeals for the District of Columbia Circuit; and

(2) if the court described in paragraph (1) undertakes the review, the court shall resolve the review as expeditiously as possible, and in any event by not later than 180 days after the interlocutory order or final judgment, decree or order of the district court was issued.

(e) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(f) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—

(1) 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 an energy related action.

(2) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 5026. TRIBAL RESOURCE MANAGEMENT PLANS.

Unless otherwise explicitly exempted by Federal law enacted after the date of enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.

SEC. 5027. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.

Subsection (e)(1) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) (commonly known as the ''Long-Term Leasing Act''), is amended—

(1) by striking '', except a lease for'' and inserting '', including leases for'';

(2) in subparagraph (A), by striking ''25 years, except'' and all that follows through ''; and'' and inserting ''99 years;'';

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that the lease may include an option to renew for 1 additional term not to exceed 25 years.''.

SEC. 5028. NONAPPLICABILITY OF CERTAIN RULES.

No rule promulgated by the Secretary of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall affect any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on behalf of which the land is held in trust or restricted status.

Subtitle C—Additional Regulatory Provisions

PART I—STATE AUTHORITY OVER HYDRAULIC FRACTURING

SEC. 5031. FINDING.

Congress finds that given variations in geology, land use, and population, the States are best placed to regulate the process of hydraulic fracturing occurring on any land within the boundaries of the individual State.

SEC. 5032. STATE AUTHORITY.

(a) 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.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, 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.—Notwithstanding any other provision of law, 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.

PART II—MISCELLANEOUS PROVISIONS

SEC. 5041. ENVIRONMENTAL LEGAL FEES.

Section 504 of title 5, United States Code, is amended by adding at the end the following:

''(g) ENVIRONMENTAL LEGAL FEES.—Notwithstanding section 1304 of title 31, no award may be made under this section and no amounts may be obligated or expended from the Claims and Judgment Fund of the Treasury to pay any legal fees of a nongovernmental organization related to an action that (with respect to the United States)—

''(1) prevents, terminates, or reduces access to or the production of—

''(A) energy;

''(B) a mineral resource;

''(C) water by agricultural producers;

''(D) a resource by commercial or recreational fishermen; or

''(E) grazing or timber production on Federal land;

''(2) diminishes the private property value of a property owner; or

''(3) eliminates or prevents 1 or more jobs.''.

SEC. 5042. MASTER LEASING PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Bureau of Land Management, shall not establish a master leasing plan as part of any guidance issued by the Secretary.

(b) EXISTING MASTER LEASING PLANS.—Instruction Memorandum No. 2010–117 and any other master leasing plan described in subsection (a) issued on or before the date of enactment of this Act shall have no force or effect.

TITLE VI—IMPROVING AMERICA'S DOMESTIC REFINING CAPACITY

Subtitle A—Refinery Permitting Reform

SEC. 6001. FINDING.

Congress finds that the domestic refining industry is an important source of jobs and economic growth and whose growth should not be limited by an excessively drawn out permitting and approval process.

SEC. 6002. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) EXPANSION.—The term ''expansion'' means a physical change that results in an increase in the capacity of a refinery.

(3) 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).

(4) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(5) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(6) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSION.—The term ''refinery'' includes an expansion of a refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (c).

(8) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

SEC. 6003. STREAMLINING OF REFINERY PERMITTING PROCESS.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic, interdisciplinary multimedia approach, as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement, the Administrator shall have the authority, as applicable and necessary—

(1) to accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(2) in consultation and cooperation with each Federal, State, or tribal government agency that is required to make any determination to authorize the issuance of a permit, to establish a schedule under which each agency shall—

(A) concurrently consider, to the maximum extent practicable, each determination to be made; and

(B) complete each step in the permitting process; and

(3) to issue a consolidated permit that combines all permits issued under the schedule established under paragraph (2).

(c) REFINERY PERMITTING AGREEMENTS.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) the State or tribal government agency shall—

(A) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated, project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(2).

(d) DEADLINES.—

(1) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 365 days after the date of receipt of an administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline described in subparagraph (A).

(2) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of receipt of an administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline described in subparagraph (A).

(e) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(2).

(f) JUDICIAL REVIEW.—Any civil action for review of a permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(g) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this subtitle.

(h) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before an applicable deadline under subsection (d), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain, other than any permits that are not approved.

(i) CONSULTATION WITH LOCAL GOVERNMENTS.—The Administrator, States, and tribal governments shall consult, to the maximum extent practicable, with local governments in carrying out this section.

(j) EFFECT OF SECTION.—Nothing in this section affects—

(1) the operation or implementation of any otherwise applicable law regarding permits necessary for the construction and operation of a refinery;

(2) the authority of any unit of local government with respect to the issuance of permits; or

(3) any requirement or ordinance of a local government (such as a zoning regulation).

Subtitle B—Repeal of Renewable Fuel Standard

SEC. 6011. FINDINGS.

Congress finds that the mandates under the renewable fuel standard contained in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))—

(1) impose significant costs on American citizens and the American economy, without offering any benefit; and

(2) should be repealed.

SEC. 6012. PHASE OUT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(B) in subparagraph (B), by striking clauses (ii) through (v) and inserting the following:

''(ii) CALENDAR YEARS 2014 THROUGH 2018.—Notwithstanding clause (i), for purposes of subparagraph (A), the applicable volumes of renewable fuel for each of calendar years 2014 through 2018 shall be determined as follows:

''(I) For calendar year 2014, in accordance with the table entitled 'I-2—Proposed 2014 Volume Requirements' of the proposed rule published at pages 71732 through 71784 of volume 78 of the Federal Register (November 29, 2013).

''(II) For calendar year 2015, the applicable volumes established under subclause (I), reduced by 20 percent.

''(III) For calendar year 2016, the applicable volumes established under subclause (I), reduced by 40 percent.

''(IV) For calendar year 2017, the applicable volumes established under subclause (I), reduced by 60 percent.

''(V) For calendar year 2018, the applicable volumes established under subclause (I), reduced by 80 percent.'';

(2) in paragraph (3)—

(A) by striking ''2021'' and inserting ''2017'' each place it appears; and

(B) in subparagraph (B)(i), by inserting '', subject to the condition that the renewable fuel obligation determined for a calendar year is not more than the applicable volumes established under paragraph (2)(B)(ii)'' before the period; and

(3) by adding at the end the following:

''(13) SUNSET.—The program established under this subsection shall terminate on December 31, 2018.''.

(b) REGULATIONS.—Effective beginning on January 1, 2019, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date of enactment), shall have no force or effect.

TITLE VII—STOPPING EPA OVERREACH

SEC. 7001. FINDINGS.

Congress finds that—

(1) the Environmental Protection Agency has exceeded its statutory authority by promulgating regulations that were not contemplated by Congress in the authorizing language of the statutes enacted by Congress;

(2) no Federal agency has the authority to regulate greenhouse gases under current law; and

(3) no attempt to regulate greenhouse gases should be undertaken without further Congressional action.

SEC. 7002. CLARIFICATION OF FEDERAL REGULATORY AUTHORITY TO EXCLUDE GREENHOUSE GASES FROM REGULATION UNDER THE CLEAN AIR ACT.

(a) REPEAL OF FEDERAL CLIMATE CHANGE REGULATION.—

(1) GREENHOUSE GAS REGULATION UNDER CLEAN AIR ACT.—Section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is amended—

(A) by striking ''(g) The term'' and inserting the following:

''(g) AIR POLLUTANT.—

''(1) IN GENERAL.—The term''; and

(B) by adding at the end the following:

''(2) EXCLUSION.—The term 'air pollutant' does not include carbon dioxide, water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.''.

(2) NO REGULATION OF CLIMATE CHANGE.—Notwithstanding any other provision of law, nothing in any of the following Acts or any other law authorizes or requires the regulation of climate change or global warming:

(A) The Clean Air Act (42 U.S.C. 7401 et seq.).

(B) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(C) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(D) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(b) EFFECT ON PROPOSED RULES OF THE EPA.—In accordance with this section, the following proposed or contemplated rules (or any similar or successor rules) of the Environmental Protection Agency shall be void and have no force or effect:

(1) The proposed rule entitled ''Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units'' (published at 79 Fed. Reg. 1430 (January 8, 2014)).

(2) The contemplated rules on carbon pollution for existing power plants.

(3) Any other contemplated or proposed rules proposed to be issued pursuant to the purported authority described in subsection (a)(2).

SEC. 7003. JOBS ANALYSIS FOR ALL EPA REGULATIONS.

(a) IN GENERAL.—Before proposing or finalizing any regulation, rule, or policy, the Administrator of the Environmental Protection Agency shall provide an analysis of the regulation, rule, or policy and describe the direct and indirect net and gross impact of the regulation, rule, or policy on employment in the United States.

(b) LIMITATION.—No regulation, rule, or policy described in subsection (a) shall take effect if the regulation, rule, or policy has a negative impact on employment in the United States unless the regulation, rule, or policy is approved by Congress and signed by the President.

TITLE VIII—DEBT FREEDOM FUND

SEC. 8001. FINDINGS.

Congress finds that—

(1) the national debt being over $17,000,000,000,000 in 2014—

(A) threatens the current and future prosperity of the United States;

(B) undermines the national security interests of the United States; and

(C) imposes a burden on future generations of United States citizens; and

(2) revenue generated from the development of the natural resources in the United States should be used to reduce the national debt.

SEC. 8002. DEBT FREEDOM FUND.

Notwithstanding any other provision of law, in accordance with all revenue sharing arrangement with States in effect on the date of enactment of this Act, an amount equal to the additional amount of Federal funds generated by the programs and activities under this Act (and the amendments made by this Act)—

(1) shall be deposited in a special trust fund account in the Treasury, to be known as the ''Debt Freedom Fund''; and

(2) shall not be withdrawn for any purpose other than to pay down the national debt of the United States, for which purpose payments shall be made expeditiously.

SA 2973. Mr. THUNE (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2223, to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Good Jobs, Good Wages, and Good Hours Act''''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 436. Workforce councils.
Sec. 437. Technical assistance.
Sec. 438. Special provisions.
Sec. 439. Performance accountability management.

CHAPTER 4—NATIONAL PROGRAMS

Sec. 441. Technical assistance.
Sec. 442. Evaluations.

CHAPTER 5—ADMINISTRATION

Sec. 446. Requirements and restrictions.
Sec. 447. Prompt allocation of funds.
Sec. 448. Fiscal controls; sanctions.
Sec. 449. Reports to Congress.
Sec. 450. Administrative provisions.
Sec. 451. State legislative authority.
Sec. 452. General program requirements.
Sec. 453. Federal agency staff and restrictions on political and lobbying activities.

CHAPTER 6—STATE UNIFIED PLAN

Sec. 456. State unified plan.

Subtitle B—Adult Education and Family Literacy Education

Sec. 461. Amendment.

Subtitle C—Amendments to the Wagner-Peyser Act

Sec. 466. Amendments to the Wagner-Peyser Act.

Subtitle D—Repeals and Conforming Amendments

Sec. 471. Repeals.
Sec. 472. Amendments to other laws.
Sec. 473. Conforming amendment to table of contents.

Subtitle E—Amendments to the Rehabilitation Act of 1973

Sec. 476. Findings.
Sec. 477. Rehabilitation Services Administration.
Sec. 478. Definitions.
Sec. 479. Carryover.
Sec. 480. Traditionally underserved populations.
Sec. 481. State plan.
Sec. 482. Scope of services.
Sec. 483. Standards and indicators.
Sec. 484. Expenditure of certain amounts.
Sec. 485. Collaboration with industry.
Sec. 486. Reservation for expanded transition services.
Sec. 487. Client assistance program.
Sec. 488. Research.
Sec. 489. Title III amendments.
Sec. 490. Repeal of title VI.
Sec. 491. Title VII general provisions.
Sec. 492. Authorizations of appropriations.
Sec. 493. Conforming amendments.

Subtitle F—Studies by the Comptroller General

Sec. 496. Study by the Comptroller General on exhausting Federal Pell Grants before accessing WIA funds.
Sec. 497. Study by the Comptroller General on administrative cost savings.

Subtitle G—Entrepreneurial Training

Sec. 499. Entrepreneurial training.

TITLE I—ENERGY

Subtitle A—Keystone XL and Natural Gas Exportation

SEC. 111. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—In accordance with clause 3 of section 8 of article I of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on May 4, 2012.

(b) PRESIDENTIAL PERMIT NOT REQUIRED.—Notwithstanding Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the facilities described in subsection (a).

(c) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, the Final Evaluation Report issued by the Nebraska Department of Environmental Quality on January 3, 2013, and the Draft Supplemental Environmental Impact Statement issued on March 1, 2013, regarding the crude oil pipeline and appurtenant facilities associated with the facilities described in subsection (a), shall be considered to 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 with respect to the facilities described in subsection (a) and the related facilities in the United States.

(d) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the facilities described in subsection (a), and the related facilities in the United States shall remain in effect.

(e) FEDERAL JUDICIAL REVIEW.—The facilities described in subsection (a), and the related facilities in the United States, that are approved by this section, 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.

SEC. 112. 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.

Subtitle B—Saving Coal Jobs

SEC. 120. SHORT TITLE.

This subtitle may be cited as the ''Saving Coal Jobs Act of 2014''.

PART I—PROHIBITION ON ENERGY TAX

SEC. 121. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; 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.

PART II—PERMITS

SEC. 131. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

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

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years;

''(iii) can be terminated or modified for cause, including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2)'' and all that follows through the end of the first sentence and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 132. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) in subsection (a), by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

''(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking ''for the discharge'' and inserting ''for all or part of the discharges''.

SEC. 133. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 134. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 135. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(4) The'' and inserting the following:

''(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

''(A) IN GENERAL.—The'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) DEADLINE.—The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard

is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 136. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

''(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

''(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

''(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

''(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

''(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection. the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

''(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

''(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

''(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

''(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

''(D) NONCOMPLIANCE BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

Subtitle C—Point of Order Against Taxes on Carbon

SEC. 141. 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).

Subtitle D—Employment Analysis Requirements Under the Clean Air Act

SEC. 151. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

TITLE II—HEALTH

SEC. 201. FORTY HOURS IS FULL TIME.

(a) DEFINITION OF FULL-TIME EMPLOYEE.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A), by striking ''30 hours'' and inserting ''40 hours''.

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

SEC. 202. REPEAL OF THE INDIVIDUAL MANDATE.

Section 1501 and subsections (a), (b), (c), and (d) 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.

SEC. 203. 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 the Internal Revenue Code of 1986 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 the Internal Revenue Code of 1986 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.

SEC. 204. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(i) IN GENERAL.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual with respect to such employer.

''(ii) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subparagraph, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(I) begins employment with such employer after the date of the enactment of this subparagraph, and

''(II) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.''.

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

SEC. 205. 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.

SEC. 206. PROHIBITION ON CERTAIN TAXES, FEES, AND PENALTIES ENACTED UNDER THE AFFORDABLE CARE ACT.

No tax, fee, or penalty imposed or enacted under the Patient Protection and Affordable

Care Act shall be implemented, administered, or enforced unless there has been a certification by the Joint Committee on Taxation that such provision would not have a direct or indirect economic impact on individuals with an annual income of less than $200,000 or families with an annual income of less than $250,000.

SEC. 207. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Effective as of the enactment of Public Law 111–148, such Act (including any provision amended under sections 201 through 205 of this Act) is repealed, and the provisions of law amended or repealed by such Act (including any provision amended under such sections) are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act (including any provision amended under sections 201 through 205 of this Act) are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively (including any provision amended under such sections), are restored or revived as if such title and subtitle had not been enacted.

TITLE III—INCREASING EMPLOYMENT AND DECREASING GOVERNMENT REGULATION

Subtitle A—Small Business Tax Provisions

SEC. 301. PERMANENT EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(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 $500,000.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (C),

(2) by striking '', and'' at the end of subparagraph (B) and inserting a period,

(3) by striking the comma at the end of subparagraph (A) and inserting '', and'', and

(4) by inserting ''beginning before 2014'' after ''The limitation under paragraph (1) for any taxable year''.

(c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''and before 2014''.

(d) ELECTION.—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''and before 2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of the Internal Revenue Code of 1986 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).

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

SEC. 302. PERMANENT FULL EXCLUSION APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and before January 1, 2014'', and

(2) by striking ''CERTAIN PERIODS IN 2010, 2011, 2012, AND 2013'' in the heading and inserting ''CERTAIN PERIODS AFTER 2009''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 1202 of the Internal Revenue Code of 1986 is amended by striking ''**PARTIAL**''.

(2) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(3) Section 1223(13) of such Code is amended by striking ''1202(a)(2),''.

(c) ADJUSTMENT OF GROSS ASSET THRESHOLD FOR INFLATION.—Subsection (d) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2014, the $50,000,000 amount in subparagraphs (A) and (B) of paragraph (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 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 increased under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2013.

SEC. 303. PERMANENT INCREASE IN DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Clause (ii) of section 195(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''.

(b) ADJUSTMENT FOR INFLATION.—Paragraph (3) of section 195(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2014, the $10,000 and $60,000 amounts in paragraph (1)(A)(ii) 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 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as increased under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.''.

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

SEC. 304. PERMANENT EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

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

(1) by striking ''10-year'' in subparagraph (A) and inserting ''5-year'',

(2) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively, and

(3) by striking ''593(e)—'' and all that follows in subparagraph (B), as so redesignated, and inserting ''593(e), subparagraph (A) shall be applied without regard to the phrase '5-year'.''.

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

SEC. 305. PERMANENT ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking ''beginning before January 1, 2010'' and all that follows and inserting ''beginning—

''(A) before January 1, 2010, or

''(B) after December 31, 2010, and before January 1, 2013.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 306. CLARIFICATION OF INVENTORY AND ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 of the Internal Revenue Code of 1986 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.—With respect to an eligible taxpayer who uses the cash receipts and disbursements method for any taxable year, such method shall be deemed to clearly reflect income and the taxpayer shall not be required to use an accrual method.

''(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) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears), and

''(B) the taxpayer is not subject to section 447 or 448.''.

(b) INVENTORY RULES.—

(1) IN GENERAL.—Section 471 of the Internal Revenue Code of 1986 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) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears in subsections (b) and (c) of section 448).''.

(2) INCREASED ELIGIBILITY FOR SIMPLIFIED DOLLAR-VALUE LIFO METHOD.—Section 474(c) of such Code is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(3) CONFORMING AMENDMENT.—Subsection (c) of section 263A of such Code is amended by adding at the end the following new paragraph:

''(7) EXCLUSION FROM INVENTORY RULES.—Nothing in this section shall require the use of inventories for any taxable year by a qualified taxpayer (within the meaning of section 471(c)) who is not required to use inventories under section 471 for such taxable year.''.

(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; and

(B) such change shall be treated as made with the consent of the Secretary of the Treasury.

Subtitle B—Regulatory Accountability Act

SEC. 311. SHORT TITLE.

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

SEC. 312. 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 and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

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

''(17) 'Information Quality Act' means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies under that Act;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

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

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

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

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

''(20) 'Office of Information and Regulatory Affairs' means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.''.

SEC. 313. RULE MAKING.

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) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final determinations based on evidence and consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

''(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

''(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the jurisdiction of the agency), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

''(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

''(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

''(A) the alternative of no Federal response;

''(B) amending or rescinding existing rules;

''(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken instead of agency action; and

''(D) potential responses that—

''(i) specify performance objectives rather than conduct or manners of compliance;

''(ii) establish economic incentives to encourage desired behavior;

''(iii) provide information upon which choices can be made by the public; or

''(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

''(6) Notwithstanding any other provision of law—

''(A) the potential costs and benefits associated with potential alternative rules and other responses considered under paragraph (5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs, economic growth, innovation, and economic competitiveness;

''(B) the means to increase the cost-effectiveness of any Federal response; and

''(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

''(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES AND HIGH-IMPACT RULES.—

''(1) In the case of a rule making for a major rule or high-impact rule, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register.

''(2) In publishing advance notice under paragraph (1), the agency shall—

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

''(i) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

''(ii) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making; and

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

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

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

''(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—Following completion of procedures under subsection (c), if applicable, and consultation with the Administrator of the Office of Information and Regulatory Affairs, the agency shall publish either a notice of proposed rule making or a determination of other agency course, in accordance with the following:

''(1) A notice of proposed rule making shall include—

''(A) a statement of the time, place, and nature of public rule making proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the terms of the proposed rule;

''(D) a description of information known to the agency on the subject and issues of the proposed rule, including—

''(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

''(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c); and

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

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

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

''(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule, including all costs to be considered under subsection (b)(6), based on the information described under subparagraph (D);

''(G) a discussion of—

''(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

''(ii) the costs and benefits of those alternatives, including all costs to be considered under subsection (b)(6);

''(iii) whether those alternatives meet relevant statutory objectives; and

''(iv) why the agency did not propose any of those alternatives; and

''(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

''(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information considered by the agency, and actions to obtain information by the agency, in connection with its determination to propose the rule, including all information described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations

with the agency, shall be placed in the docket for the proposed rule and made accessible to the public for the public's use when the notice of proposed rule making is published.

''(2)(A) A notice of determination of other agency course shall include a description of the alternative response the agency determined to adopt.

''(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before the agency publishes a notice of proposed rule making to amend or rescind the existing rule.

All information considered by the agency, and actions to obtain information by the agency, in connection with its determination of other agency course, including the information specified under paragraph (1)(D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public for the public's use when the notice of determination is published.

''(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

''(A) if a hearing is required under paragraph (4)(B) or subsection (e), reasonable opportunity for oral presentation shall be provided under that requirement; or

''(B) when other than under subsection (e) rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 90 days for interested persons to submit written data, views, or arguments (or 120 days in the case of a proposed major rule or high-impact rule).

''(4)(A) Within 30 days after publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with of the Information Quality Act.

''(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

''(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide for a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

''(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i).

''(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

''(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

''(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

''(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

''(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

''(4) If the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), whether the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

''(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

''(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days after the receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

''(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

''(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for and consequences of the rule.

''(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if—

''(i) the additional benefits of the more costly rule justify its additional costs; and

''(ii) the agency explains its reason for doing so based on interests of public health, safety or welfare (including protection of the environment) that are clearly within the scope of the statutory provision authorizing the rule.

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

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

''(ii) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute;

''(iii) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

''(iv) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

''(I) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including costs to be considered under subsection (b)(6)) than the rule; or

''(II) the agency's reasoned final determination that its adoption of a more costly rule complies with paragraph (3)(B);

''(v) the agency's reasoned final determination—

''(I) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

''(II) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

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

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

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

''(vii) for any major rule or high-impact rule, the agency's plan for review of the rule no less frequently than every 10 years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule's benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

''(B) Review of a rule under a plan required by paragraph (4)(G) shall take into account the factors and criteria set forth in subsections (b) through (e) and this subsection.

''(C) All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public's use not later than the date on which the rule is adopted.

''(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, subsections (c) through (e) of this section do not apply to

interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.

''(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency's adoption of an interim rule.

''(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (c) through (f) of this section immediately upon publication of the interim rule. No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (c) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule shall cease to have the effect of law.

''(C) Other than in cases involving interests of national security, upon the agency's publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency's determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

''(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency's discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

''(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

''(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

''(2) interpretive rules and statements of policy; or

''(3) as otherwise provided by the agency for good cause found and published with the rule.

''(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

''(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall have authority to establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of potential, proposed, and final rules and other economic issues or issues related to risk that are relevant to rule making under this section and other sections of this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

''(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under subparagraph (A).

''(2) The Administrator of the Office of Information and Regulatory Affairs shall also have authority to issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

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

''(i) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those under this subchapter conform to the fullest extent allowed by law with the procedures set forth in this section; and

''(ii) issue guidelines for the conduct of hearings under subsections (d)(4) and (e), including to assure a reasonable opportunity for cross-examination.

''(B) Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

''(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines under the Information Quality Act to apply in rule making proceedings under this section and sections 556 and 557. In all cases, the guidelines, and the Administrator's specific determinations regarding agency compliance with the guidelines, shall be entitled to judicial deference.

''(l) RECORD.—The agency shall include in the record for a rule making all documents and information considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the agency.

''(m) EXEMPTION FOR MONETARY POLICY.—Nothing in subsection (b)(6), subparagraph (F) through (G) of subsection (d)(1), subsection (e), subsection (f)(3), or clauses (iii) and (iv) of subsection (f)(4)(A) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 314. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following:

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

''(a) Before issuing any major guidance, an agency shall—

''(1) make and document a reasoned determination that—

''(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions;

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

''(C) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

''(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate.

''(b) AGENCY GUIDANCE.—

''(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

''(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

''(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public.

''(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following:

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

SEC. 315. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

''(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section under section 553(d)(4) or 553(e), the record for decision shall include any information that is part of the record of proceedings under section 553.

''(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

''(g)(1) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major

rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record.

''(2) This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 316. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking ''Agency action made'' and inserting ''(a) Agency action made''; and

(2) by adding at the end the following:

''(b)(1) Except as provided under paragraph (2) and notwithstanding subsection (a), upon the agency's publication of an interim rule without compliance with subsection (c), (d), or (e) of section 553 or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency's determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with subsection (c), (d), or (e) of section 553 or without rendering final determinations under subsection (f) of section 553.

''(2) This subsection shall not apply in cases involving interests of national security.

''(c) For rules other than major rules and high-impact rules, compliance with subsection (b)(6), subparagraphs (F) through (G) of subsection (d)(1), subsection (f)(3), and clauses (iii) and (iv) of subsection (f)(4)(A) of section 553 shall not be subject to judicial review. In all cases, the determination that a rule is not a major rule within the meaning of section 551(19)(A) or a high-impact rule shall be subject to judicial review under section 706(a)(2)(A).

''(d) Nothing in this section shall be construed to limit judicial review of an agency's consideration of costs or benefits as a mandatory or discretionary factor under the statute authorizing the rule or any other applicable statute.''.

SEC. 317. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''(a) To the extent necessary'';

(2) in paragraph (2)(A) of subsection (a) (as redesignated by paragraph (1) of this section), by inserting after ''in accordance with law'' the following: ''(including the Information Quality Act as defined under section 551(17))''; and

(3) by adding at the end the following:

''(b) The court shall not defer to the agency's—

''(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556 and 557 to issue the interpretation;

''(2) determination of the costs and benefits or other economic or risk assessment of the regulatory action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k); or

''(3) determinations under interlocutory review under sections 553(g)(2)(C) and 704(2).

''(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.''.

SEC. 318. ADDED DEFINITION.

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

(1) in paragraph (1), by striking ''and'';

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

(3) by adding at the end the following:

''(3) 'substantial evidence' means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.''.

SEC. 319. EFFECTIVE DATE.

The amendments made by this title to—

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

(2) section 701(b) of title 5, United States Code;

(3) paragraphs (4) and (5) of section 706(b) of title 5, United States Code; and

(4) section 706(c) of title 5, United States Code,

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

TITLE IV—SUPPORTING KNOWLEDGE AND INVESTING IN LIFELONG SKILLS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Supporting Knowledge and Investing in Lifelong Skills Act'' or the ''SKILLS Act''.

SEC. 402. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

SEC. 403. APPLICATION TO FISCAL YEARS.

Except as otherwise provided, this title and the amendments made by this title shall apply with respect to fiscal year 2015 and succeeding fiscal years.

Subtitle A—Amendments to the Workforce Investment Act of 1998

CHAPTER 1—WORKFORCE INVESTMENT DEFINITIONS

SEC. 406. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ADULT EDUCATION AND FAMILY LITERACY EDUCATION ACTIVITIES.—The term 'adult education and family literacy education activities' has the meaning given the term in section 203.'';

(2) by striking paragraphs (13) and (24);

(3) by redesignating paragraphs (1) through (12) as paragraphs (3) through (14), and paragraphs (14) through (23) as paragraphs (15) through (24), respectively;

(4) by striking paragraphs (52) and (53);

(5) by inserting after ''In this title:'' the following new paragraphs:

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means—

''(A) charges incurred by recipients of funds under this title for a given period requiring the provision of funds for goods or other tangible property received;

''(B) charges incurred for services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

''(C) other amounts becoming owed, under programs assisted under this title, for which no current services or performance is required, such as amounts for annuities, insurance claims, and other benefit payments.

''(2) ADMINISTRATIVE COSTS.—The term 'administrative costs' means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B and recipients of awards under subtitles C and D), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under this title that are not related to the direct provision of workforce investment activities (including services to participants and employers). Such costs include both personnel and nonpersonnel expenditures and both direct and indirect expenditures.'';

(6) in paragraph (3) (as so redesignated), by striking ''Except in sections 127 and 132, the'' and inserting ''The'';

(7) by amending paragraph (5) (as so redesignated) to read as follows:

''(5) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3)).'';

(8) in paragraph (6) (as so redesignated), by inserting ''(or such other level as the Governor may establish)'' after ''8th grade level'';

(9) in paragraph (10)(C) (as so redesignated), by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training, as determined by the local board involved (or, in the case of an employer in multiple local areas in the State, as determined by the Governor), taking into account the size of the employer and such other factors as the local board or Governor, respectively, determines to be appropriate'';

(10) in paragraph (11) (as so redesignated)—

(A) in subparagraph (A)(ii)(II), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(B) in subparagraph (B)(iii)—

(i) by striking ''134(d)(4)'' and inserting ''134(c)(4)''; and

(ii) by striking ''intensive services described in section 134(d)(3)'' and inserting ''work ready services described in section 134(c)(2)'';

(C) in subparagraph (C), by striking ''or'' after the semicolon;

(D) in subparagraph (D), by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

''(ii) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) who meets the criteria described in paragraph (12)(B).'';

(11) in paragraph (12)(A) (as redesignated)—

(A) by striking ''and'' after the semicolon and inserting ''or'';

(B) by striking ''(A)'' and inserting ''(A)(i)''; and

(C) by adding at the end the following:

''(ii) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a

permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and'';

(12) in paragraph (13) (as so redesignated), by inserting ''or regional'' after ''local'' each place it appears;

(13) in paragraph (14) (as so redesignated)—

(A) in subparagraph (A), by striking ''section 122(e)(3)'' and inserting ''section 122'';

(B) by striking subparagraph (B), and inserting the following:

''(B) work ready services, means a provider who is identified or awarded a contract as described in section 117(d)(5)(C); or'';

(C) by striking subparagraph (C); and

(D) by redesignating subparagraph (D) as subparagraph (C);

(14) in paragraph (15) (as so redesignated), by striking ''adult or dislocated worker'' and inserting ''individual'';

(15) in paragraph (20), by striking ''The'' and inserting ''Subject to section 116(a)(1)(E), the'';

(16) in paragraph (25)—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through clause (ii) and inserting ''poverty line for an equivalent period;'';

(B) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(C) by inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);'';

(17) in paragraph (32), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

(18) by amending paragraph (33) to read as follows:

''(33) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means—

''(A) an at-risk youth who is a school dropout; or

''(B) an at-risk youth who has received a secondary school diploma or its recognized equivalent but is basic skills deficient, unemployed, or underemployed.'';

(19) in paragraph (38), by striking ''134(a)(1)(A)'' and inserting ''134(a)(1)(B)'';

(20) in paragraph (41), by striking '', and the term means such Secretary for purposes of section 503'';

(21) in paragraph (43), by striking ''clause (iii) or (v) of section 136(b)(3)(A)'' and inserting ''section 136(b)(3)(A)(iii)'';

(22) by amending paragraph (49) to read as follows:

''(49) VETERAN.—The term 'veteran' has the same meaning given the term in section 2108(1) of title 5, United States Code.'';

(23) by amending paragraph (50) to read as follows:

''(50) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).'';

(24) in paragraph (51), by striking '', and a youth activity''; and

(25) by adding at the end the following:

''(52) AT-RISK YOUTH.—Except as provided in subtitle C, the term 'at-risk youth' means an individual who—

''(A) is not less than age 16 and not more than age 24;

''(B) is a low-income individual; and

''(C) is an individual who is one or more of the following:

''(i) A secondary school dropout.

''(ii) A youth in foster care (including youth aging out of foster care).

''(iii) A youth offender.

''(iv) A youth who is an individual with a disability.

''(v) A migrant youth.

''(53) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a partnership of—

''(A) a State board or local board; and

''(B) one or more industry or sector organizations, and other entities, that have the capability to help the State board or local board determine the immediate and long-term skilled workforce needs of in-demand industries or sectors and other occupations important to the State or local economy, respectively.

''(54) INDUSTRY-RECOGNIZED CREDENTIAL.—The term 'industry-recognized credential' means a credential that is sought or accepted by companies within the industry sector involved, across multiple States, as recognized, preferred, or required for recruitment, screening, or hiring and is awarded for completion of a program listed or identified under subsection (d) or (i) of section 122, for the local area involved.

''(55) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term 'pay-for-performance contract strategy' means a strategy in which a pay-for-performance contract to provide a program of employment and training activities incorporates provisions regarding—

''(A) the core indicators of performance described in subclauses (I) through (IV) and (VI) of section 136(b)(2)(A)(i);

''(B) a fixed amount that will be paid to an eligible provider of such employment and training activities for each program participant who, within a defined timetable, achieves the agreed-to levels of performance based upon the core indicators of performance described in subparagraph (A), and may include a bonus payment to such provider, which may be used to expand the capacity of such provider;

''(C) the ability for an eligible provider to recoup the costs of providing the activities for a program participant who has not achieved those levels, but for whom the provider is able to demonstrate that such participant gained specific competencies required for education and career advancement that are, where feasible, tied to industry-recognized credentials and related standards, or State licensing requirements; and

''(D) the ability for an eligible provider that does not meet the requirements under section 122(a)(2) to participate in such pay-for-performance contract and to not be required to report on the performance and cost information required under section 122(d).

''(56) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' means a credential awarded by a provider of training services or postsecondary educational institution based on completion of all requirements for a program of study, including coursework or tests or other performance evaluations. The term means an industry-recognized credential, a certificate of completion of a registered apprenticeship program, or an associate or baccalaureate degree from an institution described in section 122(a)(2)(A)(i).

''(57) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means a program described in section 122(a)(2)(B).''.

CHAPTER 2—STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS

SEC. 411. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by adding at the end the following: ''It is also the purpose of this subtitle to provide workforce investment activities in a manner that enhances employer engagement, promotes customer choices in the selection of training services, and ensures accountability in the use of taxpayer funds.''.

SEC. 412. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 (29 U.S.C. 2821) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by amending clause (i)(I), by striking ''section 117(b)(2)(A)(i)'' and inserting ''section 117(b)(2)(A)'';

(II) by amending clause (i)(II) to read as follows:

''(II) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the State economy; and'';

(III) by striking clause (iii) and inserting the following:

''(iii) a State agency official responsible for economic development; and'';

(IV) by striking clauses (iv) through (vi);

(V) by amending clause (vii) to read as follows:

''(vii) such other representatives and State agency officials as the Governor may designate, including—

''(I) members of the State legislature;

''(II) representatives of individuals and organizations that have experience with respect to youth activities;

''(III) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

''(IV) representatives of the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; or

''(V) representatives of veterans service organizations.''; and

(VI) by redesignating clause (vii) (as so amended) as clause (iv); and

(B) by amending paragraph (3) to read as follows:

''(3) MAJORITY.—A ⅔ majority of the members of the board shall be representatives described in paragraph (1)(B)(i).'';

(2) in subsection (c), by striking ''(b)(1)(C)(i)'' and inserting ''(b)(1)(B)(i)'';

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

''(d) FUNCTIONS.—The State board shall assist the Governor of the State as follows:

''(1) STATE PLAN.—Consistent with section 112, the State board shall develop a State plan.

''(2) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The State board shall review and develop statewide policies and programs in the State in a manner that supports a comprehensive statewide workforce development system that will result in meeting the workforce needs of the State and its local areas. Such review shall include determining whether the State should consolidate additional amounts for additional activities or programs into the Workforce Investment Fund in accordance with section 501(e).

''(3) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—The State board shall develop a statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)), which may include using information collected under Federal law other than this Act by the State economic development entity or a related entity in developing such system.

''(4) EMPLOYER ENGAGEMENT.—The State board shall develop strategies, across local

areas, that meet the needs of employers and support economic growth in the State by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(5) DESIGNATION OF LOCAL AREAS.—The State board shall designate local areas as required under section 116.

''(6) ONE-STOP DELIVERY SYSTEM.—The State board shall identify and disseminate information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies.

''(7) PROGRAM OVERSIGHT.—The State board shall conduct the following program oversight:

''(A) Reviewing and approving local plans under section 118.

''(B) Ensuring the appropriate use and management of the funds provided for State employment and training activities authorized under section 134.

''(C) Preparing an annual report to the Secretary described in section 136(d).

''(8) DEVELOPMENT OF PERFORMANCE MEASURES.—The State board shall develop and ensure continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, as described under section 136(b).'';

(4) by striking subsection (e) and redesignating subsection (f) as subsection (e);

(5) in subsection (e) (as so redesignated), by inserting ''or participate in any action taken'' after ''vote'';

(6) by inserting after subsection (e) (as so redesignated), the following:

''(f) STAFF.—The State board may employ staff to assist in carrying out the functions described in subsection (d).''; and

(7) in subsection (g), by inserting ''electronic means and'' after ''on a regular basis through''.

SEC. 413. STATE PLAN.

Section 112 (29 U.S.C. 2822)—

(1) in subsection (a)—

(A) by striking ''127 or''; and

(B) by striking ''5-year strategy'' and inserting ''3-year strategy'';

(2) in subsection (b)—

(A) by amending paragraph (4) to read as follows:

''(4) information describing—

''(A) the economic conditions in the State;

''(B) the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy;

''(C) the knowledge and skills of the workforce in the State; and

''(D) workforce development activities (including education and training) in the State;'';

(B) by amending paragraph (7) to read as follows:

''(7) a description of the State criteria for determining the eligibility of training services providers in accordance with section 122, including how the State will take into account the performance of providers and whether the training services relate to in-demand industries and other occupations important to the State economy;'';

(C) by amending paragraph (8) to read as follows:

''(8)(A) a description of the procedures that will be taken by the State to assure coordination of, and avoid duplication among, the programs and activities identified under section 501(b)(2); and

''(B) a description of and an assurance regarding common data collection and reporting processes used for the programs and activities described in subparagraph (A), which are carried out by one-stop partners, including—

''(i) an assurance that such processes use quarterly wage records for performance measures described in section 136(b)(2)(A) that are applicable to such programs or activities; or

''(ii) if such wage records are not being used for the performance measures, an identification of the barriers to using such wage records and a description of how the State will address such barriers within 1 year of the approval of the plan;'';

(D) in paragraph (9), by striking '', including comment by representatives of businesses and representatives of labor organizations,'';

(E) in paragraph (11), by striking ''under sections 127 and 132'' and inserting ''under section 132'';

(F) by striking paragraph (12);

(G) by redesignating paragraphs (13) through (18) as paragraphs (12) through (17), respectively;

(H) in paragraph (12) (as so redesignated), by striking ''111(f)'' and inserting ''111(e)'';

(I) in paragraph (13) (as so redesignated), by striking ''134(c)'' and inserting ''121(e)'';

(J) in paragraph (14) (as so redesignated), by striking ''116(a)(5)'' and inserting ''116(a)(3)'';

(K) in paragraph (16) (as so redesignated)—

(i) in subparagraph (A)—

(I) in clause (ii)—

(aa) by striking ''to dislocated workers''; and

(bb) by inserting ''and additional assistance'' after ''rapid response activities'';

(II) in clause (iii), by striking ''134(d)(4)'' and inserting ''134(c)(4)'';

(III) by striking ''and'' at the end of clause (iii);

(IV) by amending clause (iv) to read as follows:

''(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled and homeless veterans), and Native Americans; and''; and

(V) by adding at the end the following new clause:

''(v) how the State will—

''(I) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities; and

''(II) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;''; and

(ii) in subparagraph (B), by striking ''to the extent practicable'' and inserting ''in accordance with the requirements of the Jobs for Veterans Act (Public Law 107–288) and the amendments made by such Act''; and

(L) by striking paragraph (17) (as so redesignated) and inserting the following:

''(17) a description of the strategies and services that will be used in the State—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the State economy;

''(B) to meet the needs of employers in the State; and

''(C) to better coordinate workforce development programs with economic development activities;

''(18) a description of how the State board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across a targeted cluster of multiple firms for a range of workers employed or potentially employed by the industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(19) a description of how the State will utilize technology, to facilitate access to services in remote areas, which may be used throughout the State;

''(20) a description of the State strategy and assistance to be provided by the State for encouraging regional cooperation within the State and across State borders, as appropriate;

''(21) a description of the actions that will be taken by the State to foster communication, coordination, and partnerships with nonprofit organizations (including public libraries, community, faith-based, and philanthropic organizations) that provide employment-related, training, and complementary services, to enhance the quality and comprehensiveness of services available to participants under this title;

''(22) a description of the process and methodology for determining—

''(A) one-stop partner program contributions for the costs of infrastructure of one-stop centers under section 121(h)(1); and

''(B) the formula for allocating such infrastructure funds to local areas under section 121(h)(3);

''(23) a description of the strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the State and local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment; and

''(24) a description of—

''(A) how the State will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the State to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veterans population to be served in the State.'';

(3) in subsection (c), by striking ''period, that—'' and all that follows through paragraph (2) and inserting ''period, that the plan is inconsistent with the provisions of this title.''; and

(4) in subsection (d), by striking ''5-year'' and inserting ''3-year''.

SEC. 414. LOCAL WORKFORCE INVESTMENT AREAS.

Section 116 (29 U.S.C. 2831) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) PROCESS.—In order to receive an allotment under section 132, a State, through the State board, shall establish a process to designate local workforce investment areas within the State. Such process shall—

''(i) support the statewide workforce development system developed under section 111(d)(2), enabling the system to meet the workforce needs of the State and its local areas;

''(ii) include consultation, prior to the designation, with chief elected officials;

''(iii) include consideration of comments received on the designation through the public comment process as described in section 112(b)(9); and

''(iv) require the submission of an application for approval under subparagraph (B).

''(B) APPLICATION.—To obtain designation of a local area under this paragraph, a local or regional board (or consortia of local or regional boards) seeking to take responsibility for the area under this Act shall submit an application to a State board at such time, in such manner, and containing such information as the State board may require, including—

''(i) a description of the local area, including the population that will be served by the local area, and the education and training needs of its employers and workers;

''(ii) a description of how the local area is consistent or aligned with—

''(I) service delivery areas (as determined by the State);

''(II) labor market areas; and

''(III) economic development regions;

''(iii) a description of the eligible providers of education and training, including postsecondary educational institutions such as community colleges, located in the local area and available to meet the needs of the local workforce;

''(iv) a description of the distance that individuals will need to travel to receive services provided in such local area; and

''(v) any other criteria that the State board may require.

''(C) PRIORITY.—In designating local areas under this paragraph, a State board shall give priority consideration to an area proposed by an applicant demonstrating that a designation as a local area under this paragraph will result in the reduction of overlapping service delivery areas, local market areas, or economic development regions.

''(D) ALIGNMENT WITH LOCAL PLAN.—A State may designate an area proposed by an applicant as a local area under this paragraph for a period not to exceed 3 years.

''(E) REFERENCES.—For purposes of this Act, a reference to a local area—

''(i) used with respect to a geographic area, refers to an area designated under this paragraph; and

''(ii) used with respect to an entity, refers to the applicant.'';

(B) by amending paragraph (2) to read as follows:

''(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested by the Governor of a State, provide the State with technical assistance in making the determinations required under paragraph (1). The Secretary shall not issue regulations governing determinations to be made under paragraph (1).'';

(C) by striking paragraph (3);

(D) by striking paragraph (4);

(E) by redesignating paragraph (5) as paragraph (3); and

(F) in paragraph (3) (as so redesignated), by striking ''(2) or (3)'' both places it appears and inserting ''(1)'';

(2) by amending subsection (b) to read as follows:

''(b) SINGLE STATES.—Consistent with subsection (a), the State board of a State may designate the State as a single State local area for the purposes of this title.''; and

(3) in subsection (c)—

(A) in paragraph (1), by adding at the end the following: ''The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.''; and

(B) in paragraph (2), by striking ''employment statistics'' and inserting ''workforce and labor market information''.

SEC. 415. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117 (29 U.S.C. 2832) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''include—'' and all that follows through ''representatives'' and inserting ''include representatives'';

(II) by striking clauses (ii) through (vi);

(III) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively (and by moving the margins of such clauses 2 ems to the left);

(IV) by striking clause (ii) (as so redesignated) and inserting the following:

''(ii) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the local economy; and''; and

(V) by striking the semicolon at the end of clause (iii) (as so redesignated) and inserting ''; and''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate, including—

''(i) the superintendent or other employee of the local educational agency who has primary responsibility for secondary education, the presidents or chief executive officers of postsecondary educational institutions (including a community college, where such an entity exists), or administrators of local entities providing adult education and family literacy education activities;

''(ii) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present); or

''(iii) representatives of veterans service organizations.'';

(B) in paragraph (4)—

(i) by striking ''A majority'' and inserting ''A ⅔ majority''; and

(ii) by striking ''(2)(A)(i)'' and inserting ''(2)(A)''; and

(C) in paragraph (5), by striking ''(2)(A)(i)'' and inserting ''(2)(A)'';

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (C); and

(B) in paragraph (3)(A)(ii), by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (8)'';

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

''(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

''(1) LOCAL PLAN.—Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

''(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—

''(A) IN GENERAL.—The local board shall—

''(i) conduct, and regularly update, an analysis of—

''(I) the economic conditions in the local area;

''(II) the immediate and long-term skilled workforce needs of in-demand industries and other occupations important to the local economy;

''(III) the knowledge and skills of the workforce in the local area; and

''(IV) workforce development activities (including education and training) in the local area; and

''(ii) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)).

''(B) EXISTING ANALYSIS.—In carrying out requirements of subparagraph (A)(i), a local board shall use an existing analysis, if any, by the local economic development entity or related entity.

''(3) EMPLOYER ENGAGEMENT.—The local board shall meet the needs of employers and support economic growth in the local area by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(4) BUDGET AND ADMINISTRATION.—

''(A) BUDGET.—

''(i) IN GENERAL.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the requirements of this subsection.

''(ii) TRAINING RESERVATION.—In developing a budget under clause (i), the local board shall reserve a percentage of funds to carry out the activities specified in section 134(c)(4). The local board shall use the analysis conducted under paragraph (2)(A)(i) to determine the appropriate percentage of funds to reserve under this clause.

''(B) ADMINISTRATION.—

''(i) GRANT RECIPIENT.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under section 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

''(ii) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in clause (i).

''(iii) DISBURSAL.—The local grant recipient or an entity designated under clause (ii) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under clause (ii) shall disburse the funds immediately on receiving such direction from the local board.

''(C) STAFF.—The local board may employ staff to assist in carrying out the functions described in this subsection.

''(D) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

''(5) SELECTION OF OPERATORS AND PROVIDERS.—

''(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official—

''(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

''(ii) may terminate for cause the eligibility of such operators.

''(B) IDENTIFICATION OF ELIGIBLE TRAINING SERVICE PROVIDERS.—Consistent with this subtitle, the local board shall identify eligible providers of training services described in section 134(c)(4) in the local area, annually review the outcomes of such eligible providers using the criteria under section 122(b)(2), and designate such eligible providers in the local area who have demonstrated the highest level of success with respect to such criteria as priority eligible providers for the program year following the review.

''(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF WORK READY SERVICES.—If the one-stop operator does not provide the services described in section 134(c)(2) in the local area, the local board shall identify eligible providers of such services in the local area by awarding contracts.

''(6) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official, shall be responsible for—

''(A) ensuring the appropriate use and management of the funds provided for local employment and training activities authorized under section 134(b); and

''(B) conducting oversight of the one-stop delivery system, in the local area, authorized under section 121.

''(7) NEGOTIATION OF LOCAL PERFORMANCE MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

''(8) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services authorized under this subtitle and carried out in the local area, including access in remote areas.'';

(4) in subsection (e)—

(A) by inserting ''electronic means and'' after ''regular basis through''; and

(B) by striking ''and the award of grants or contracts to eligible providers of youth activities,'';

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking ''section 134(d)(4)'' and inserting ''section 134(c)(4)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) WORK READY SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide work ready services described in section 134(c)(2) through a one-stop delivery system described in section 121 or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.'';

(6) in subsection (g)(1), by inserting ''or participate in any action taken'' after ''vote''; and

(7) by striking subsections (h) and (i).

SEC. 416. LOCAL PLAN.

Section 118 (29 U.S.C. 2833) is amended—

(1) in subsection (a), by striking ''5-year'' and inserting ''3-year'';

(2) by amending subsection (b) to read as follows:

''(b) CONTENTS.—The local plan shall include—

''(1) a description of the analysis of the local area's economic and workforce conditions conducted under subclauses (I) through (IV) of section 117(d)(2)(A)(i), and an assurance that the local board will use such analysis to carry out the activities under this subtitle;

''(2) a description of the one-stop delivery system in the local area, including—

''(A) a description of how the local board will ensure—

''(i) the continuous improvement of eligible providers of services through the system; and

''(ii) that such providers meet the employment needs of local businesses and participants; and

''(B) a description of how the local board will facilitate access to services described in section 117(d)(8) and provided through the one-stop delivery system consistent with section 117(d)(8);

''(3) a description of the strategies and services that will be used in the local area—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the local economy;

''(B) to meet the needs of employers in the local area;

''(C) to better coordinate workforce development programs with economic development activities; and

''(D) to better coordinate workforce development programs with employment, training, and literacy services carried out by nonprofit organizations, including public libraries, as appropriate;

''(4) a description of how the local board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the targeted industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the local economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(5) a description of how the funds reserved under section 117(d)(4)(A)(ii) will be used to carry out activities described in section 134(c)(4);

''(6) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide workforce investment activities, as appropriate;

''(7) a description of how the local area will—

''(A) coordinate activities with the local area's disability community, and with transition services (as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) provided under that Act by local educational agencies serving such local area, to make available comprehensive, high-quality services to individuals with disabilities;

''(B) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities, with a focus on employment that fosters independence and integration into the workplace; and

''(C) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;

''(8) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 136(c), to be—

''(A) used to measure the performance of the local area; and

''(B) used by the local board for measuring performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;

''(9) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment prior to submission of the plan;

''(10) a description of how the local area will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled veterans and homeless veterans), and Native Americans;

''(11) an identification of the entity responsible for the disbursal of grant funds described in section 117(d)(4)(B)(iii), as determined by the chief elected official or the Governor under such section;

''(12) a description of the strategies and services that will be used in the local area to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment;

''(13) a description of—

''(A) how the local area will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the local area to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veteran population to be served in the local area;

''(14) a description of—

''(A) the duties assigned to the veteran employment specialist consistent with the requirements of section 134(f);

''(B) the manner in which the veteran employment specialist is integrated into the one-stop career system described in section 121;

''(C) the date on which the veteran employment specialist was assigned; and

''(D) whether the veteran employment specialist has satisfactorily completed related training by the National Veterans' Employment and Training Services Institute; and

''(15) such other information as the Governor may require.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such means'' and inserting ''electronic means and such means''; and

(B) in paragraph (2), by striking '', including representatives of business and representatives of labor organizations,''.

SEC. 417. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.

Section 121 (29 U.S.C. 2841) is amended—

(1) in subsection (b)—

(A) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

''(i) provide access through a one-stop delivery system to the program or activities carried out by the entity, including making the work ready services described in section 134(c)(2) that are applicable to the program or activities of the entity available at one-stop centers (in addition to any other appropriate locations);

''(ii) use a portion of the funds available to the program or activities of the entity to maintain the one-stop delivery system, including payment of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop delivery system, that meets the requirements of subsection (c); and

''(iv) participate in the operation of the one-stop delivery system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities carried out by the entity.'';

(B) in paragraph (1)(B)—

(i) by striking clauses (ii), (v), and (vi);

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(iii) by redesignating clauses (vii) through (xii) as clauses (iv) through (ix), respectively;

(iv) in clause (ii), as so redesignated, by striking ''adult education and literacy activities'' and inserting ''adult education and family literacy education activities''

(v) in clause (viii), as so redesignated, by striking ''and'' at the end;

(vi) in clause (ix), as so redesignated, by striking the period and inserting ''; and''; and

(vii) by adding at the end the following:

''(x) subject to subparagraph (C), programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

(C) by inserting after paragraph (1)(B) the following:

''(C) DETERMINATION BY THE GOVERNOR.—Each entity carrying out a program described in subparagraph (B)(x) shall be considered to be a one-stop partner under this title and carry out the required partner activities described in subparagraph (A) unless the Governor of the State in which the local area is located provides the Secretary and Secretary of Health and Human Services written notice of a determination by the Governor that such an entity shall not be considered to be such a partner and shall not carry out such required partner activities.''; and

(D) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''section 134(d)(2)'' and inserting ''section 134(c)(2)''; and

(ii) in subparagraph (B)—

(I) by striking clauses (i), (ii), and (v);

(II) in clause (iv), by striking ''and'' at the end;

(III) by redesignating clauses (iii) and (iv) as clauses (i) and (ii), respectively; and

(IV) by adding at the end the following:

''(iii) employment and training programs administered by the Commissioner of the Social Security Administration;

''(iv) employment and training programs carried out by the Administrator of the Small Business Administration;

''(v) employment, training, and literacy services carried out by public libraries; and

''(vi) other appropriate Federal, State, or local programs, including programs in the private sector.'';

(2) in subsection (c)(2), by amending subparagraph (A) to read as follows:

''(A) provisions describing—

''(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

''(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities, including referrals for training for nontraditional employment; and

''(iv) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services under the memorandum; and'';

(3) in subsection (d)—

(A) in the heading for paragraph (1), by striking ''DESIGNATION AND CERTIFICATION'' and inserting ''LOCAL DESIGNATION AND CERTIFICATION'';

(B) in paragraph (2)—

(i) by striking ''section 134(c)'' and inserting ''subsection (e)'';

(ii) by amending subparagraph (A) to read as follows:

''(A) shall be designated or certified as a one-stop operator through a competitive process; and''; and

(iii) in subparagraph (B), by striking clause (ii) and redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and

(C) in paragraph (3), by striking ''vocational'' and inserting ''career and technical'';

(4) by amending subsection (e) to read as follows:

''(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

''(1) IN GENERAL.—There shall be established in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

''(A) provide the work ready services described in section 134(c)(2);

''(B) provide access to training services as described in paragraph (4) of section 134(c), including serving as the point of access to career enhancement accounts for training services to participants in accordance with paragraph (4)(F) of such section;

''(C) provide access to the activities carried out under section 134(d), if any;

''(D) provide access to programs and activities carried out by one-stop partners that are described in subsection (b); and

''(E) provide access to the data and information described in subparagraphs (A) and (B) of section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)(1)).

''(2) ONE-STOP DELIVERY.—At a minimum, the one-stop delivery system—

''(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and

''(B) may also make programs, services, and activities described in paragraph (1) available—

''(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and

''(ii) through a network of eligible one-stop partners—

''(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically- or technologically-linked access point; and

''(II) that assures individuals that information on the availability of the work ready services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).

''(3) SPECIALIZED CENTERS.—The centers and sites described in paragraph (2) may have a specialization in addressing special needs.''; and

(5) by adding at the end the following:

''(g) CERTIFICATION OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—The State board shall establish objective procedures and criteria for certifying, at least once every 3 years, one-stop centers for the purpose of awarding the one-stop infrastructure funding described in subsection (h).

''(B) CRITERIA.—The criteria for certification of a one-stop center under this subsection shall include—

''(i) meeting the expected levels of performance for each of the corresponding core indicators of performance as outlined in the State plan under section 112;

''(ii) meeting minimum standards relating to the scope and degree of service integration achieved by the center, involving the programs provided by the one-stop partners; and

''(iii) meeting minimum standards relating to how the center ensures that eligible providers meet the employment needs of local employers and participants.

''(C) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding authorized under subsection (h).

''(2) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop, for certification referred to in paragraph (1)(A), additional criteria or higher standards on the criteria referred to in paragraph (1)(B) to respond to local labor market and demographic conditions and trends.

''(h) ONE-STOP INFRASTRUCTURE FUNDING.—

''(1) PARTNER CONTRIBUTIONS.—

''(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs

described in subsection (b)(2)(B), for a fiscal year shall be provided to the Governor by such partners to carry out this subsection.

''(B) DETERMINATION OF GOVERNOR.—

''(i) IN GENERAL.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers in the State by each such partner, the costs of administration for purposes not related to one-stop centers for each such partner, and other relevant factors described in paragraph (3).

''(ii) SPECIAL RULE.—In those States where the State constitution places policy-making authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and family literacy education activities authorized under title II and for postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the determination described in clause (i) with respect to the corresponding 2 programs shall be made by the Governor with the appropriate entity or official with such independent policy-making authority.

''(iii) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) and subparagraph (A) to appeal a determination regarding the portion of funds to be provided under this paragraph on the basis that such determination is inconsistent with the requirements described in the State plan for the program or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

''(C) LIMITATIONS.—

''(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by a one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such program that may be used for administration.

''(ii) FEDERAL DIRECT SPENDING PROGRAMS.—

''(I) IN GENERAL.—A program that provides Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide more than the maximum amount determined under subclause (II).

''(II) MAXIMUM AMOUNT.—The maximum amount for the program is the amount that bears the same relationship to the costs referred to in paragraph (2) for the State as the use of the one-stop centers by such program bears to the use of such centers by all one-stop partner programs in the State.

''(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas in accordance with the formula established under paragraph (3) for the purposes of assisting in paying the costs of infrastructure of one-stop centers certified under subsection (g).

''(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas. The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of centers in a local area that have been certified, the population served by such centers, and the performance of such centers.

''(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities involved, and the costs of utilities and maintenance, and equipment (including assistive technology for individuals with disabilities).

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided under subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in subsection (b)(2)(B), or the noncash resources available under such 2 types of programs, shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved. Such portion shall be used to pay for costs including—

''(A) costs of infrastructure (as defined in subsection (h)) that are in excess of the funds provided under subsection (h);

''(B) common costs that are in addition to the costs of infrastructure (as so defined); and

''(C) the costs of the provision of work ready services applicable to each program.

''(2) DETERMINATION AND STANDARDS.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide standards to facilitate the determination of appropriate allocation of the funds and noncash resources to local areas.''.

SEC. 418. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services and be included on the list of eligible providers of training services described in subsection (d).

''(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds and be included on the list, the provider shall be—

''(A) a postsecondary educational institution that—

''(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) provides a program that leads to a recognized postsecondary credential;

''(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

''(C) another public or private provider of a program of training services.

''(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this subsection to be eligible to receive the funds and be included on the list. A provider described in paragraph (2)(B) shall be eligible to receive the funds and be included on the list with respect to programs described in paragraph (2)(B) for so long as the provider remains certified by the Secretary of Labor to carry out the programs.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

''(A) the performance of providers of training services with respect to the performance measures described in section 136, measures for other matters for which information is required under paragraph (2), and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle;

''(B) whether the training programs of such providers relate to in-demand industries or occupations important to the local economy;

''(C) the need to ensure access to training services throughout the State, including in rural areas;

''(D) the ability of the providers to offer programs that lead to a recognized postsecondary credential, and the quality of such programs;

''(E) the performance of the providers as reflected in the information such providers are required to report to State agencies with respect to other Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs; and

''(F) such other factors as the Governor determines are appropriate.

''(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

''(A) information on recognized postsecondary credentials received by such participants;

''(B) information on costs of attendance for such participants;

''(C) information on the program completion rate for such participants; and

''(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants.

''(3) RENEWAL.—The criteria established by the Governor shall also provide for a review on the criteria every 3 years and renewal of eligibility under this section for providers of training services.

''(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required on the criteria established by the Governor, for purposes of determining the eligibility of providers of training services under this section in the local area involved.

''(5) LIMITATION.—In carrying out the requirements of this subsection, no entity may disclose personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(c) PROCEDURES.—The procedures established under subsection (a) shall—

''(1) identify—

''(A) the application process for a provider of training services to become eligible under this section; and

''(B) the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section; and

''(2) establish a process, for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined eligible under this section in the State, including information provided under subsection (b)(2) with respect to such providers, is provided to the local boards in the State and is made available to such participants and to members of the public through the one-stop delivery system in the State.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The procedures established under this section shall provide the following:

''(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 2 years.

''(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 10 years.

''(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph. For purposes of subparagraph (A), that period shall be considered to be the period beginning on the date on which the inaccurate information described in subparagraph (A) was supplied, and ending on the date of the termination described in subparagraph (A).

''(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

''(f) AGREEMENTS WITH OTHER STATES.—A State may enter into an agreement with another State, on a reciprocal basis, to permit eligible providers of training services to accept career enhancement accounts provided in the other State.

''(g) RECOMMENDATIONS.—In developing the criteria (including requirements for related information) and procedures required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

''(h) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria and procedures, and the list of eligible providers required under this section, the Governor shall provide an opportunity for interested members of the public to submit comments regarding such criteria, procedures, and list.

''(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (d).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible under this section, to be providers of the training services involved.''.

SEC. 419. GENERAL AUTHORIZATION.

Chapter 5 of subtitle B of title I is amended—

(1) by striking the heading for chapter 5 and inserting the following: ''**EMPLOYMENT AND TRAINING ACTIVITIES**''; and

(2) in section 131 (29 U.S.C. 2861)—

(A) by striking ''paragraphs (1)(B) and (2)(B) of''; and

(B) by striking ''adults, and dislocated workers,'' and inserting ''individuals''.

SEC. 420. STATE ALLOTMENTS.

Section 132 (29 U.S.C. 2862) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary shall—

''(1) reserve ½ of 1 percent of the total amount appropriated under section 137 for a fiscal year, of which—

''(A) 50 percent shall be used to provide technical assistance under section 170; and

''(B) 50 percent shall be used for evaluations under section 172;

''(2) reserve 1 percent of the total amount appropriated under section 137 for a fiscal year to make grants to, and enter into contracts or cooperative agreements with Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out employment and training activities;

''(3) reserve not more than 25 percent of the total amount appropriated under section 137 for a fiscal year to carry out the Jobs Corps program under subtitle C;

''(4) reserve not more than 3.5 percent of the total amount appropriated under section 137 for a fiscal year to—

''(A) make grants to State boards or local boards to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

''(B) provide assistance to Governors of States with an area that has suffered an emergency or a major disaster (as such terms are defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) to provide disaster relief employment in the area; and

''(5) from the remaining amount appropriated under section 137 for a fiscal year (after reserving funds under paragraphs (1) through (4)), make allotments in accordance with subsection (b) of this section.''; and

(2) by amending subsection (b) to read as follows:

''(b) WORKFORCE INVESTMENT FUND.—

''(1) RESERVATION FOR OUTLYING AREAS.—

''(A) IN GENERAL.—From the amount made available under subsection (a)(5) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to the outlying areas.

''(B) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this paragraph upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association (approved by the Compact of Free Association Amendments Act of 2003 (Public Law 108–188) after the date of enactment of the SKILLS Act.

''(2) STATES.—

''(A) IN GENERAL.—After determining the amount to be reserved under paragraph (1), the Secretary shall allot the remainder of the amount referred to in subsection (a)(5) for a fiscal year to the States pursuant to subparagraph (B) for employment and training activities and statewide workforce investment activities.

''(B) FORMULA.—Subject to subparagraphs (C) and (D), of the remainder—

''(i) 25 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

''(ii) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States;

''(iii) 25 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more; and

''(iv) 25 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States.

''(C) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(D) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (C), the Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than ⅕ of 1 percent of the remainder described in subparagraph (A) for the fiscal year.

''(E) DEFINITIONS.—For the purpose of the formula specified in this paragraph:

''(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage'—

''(I) used with respect to fiscal year 2013, means the percentage of the amounts allotted to States under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the State involved for fiscal year 2013; and

''(II) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allotted to States under this paragraph for the fiscal year, that is received under this paragraph by the State involved for the fiscal year.

''(ii) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term 'area of substantial unemployment' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 7 percent for the most recent 12 months, as determined by the Secretary. For purposes of this clause, determinations of areas of substantial unemployment shall be made once each fiscal year.

''(iii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is not less than age 16 and not more than age 24 who receives an income, or is a member of a family that receives a total family income, that in relation to family size, does not exceed the higher of—

''(I) the poverty line; or

''(II) 70 percent of the lower living standard income level.

''(iv) INDIVIDUAL.—The term 'individual' means an individual who is age 16 or older.''.

SEC. 421. WITHIN STATE ALLOCATIONS.

Section 133 (29 U.S.C. 2863) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RESERVATIONS FOR STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—

''(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—The Governor of a State shall reserve not more than 15 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to carry out the statewide activities described in section 134(a).

''(2) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve not more than 25 percent for statewide rapid response activities and additional assistance described in section 134(a)(4).

''(3) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve 15 percent to carry out statewide activities described in section 134(a)(5).

''(4) STATE ADMINISTRATIVE COST LIMIT.—Not more than 5 percent of the funds reserved under paragraph (1) may be used by the Governor of the State for administrative costs of carrying out the statewide activities described in section 134(a).'';

(2) by amending subsection (b) to read as follows:

''(b) WITHIN STATE ALLOCATION.—

''(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas in the State, shall—

''(A) allocate the funds that are allotted to the State under section 132(b)(2) and not reserved under subsection (a), in accordance with paragraph (2)(A); and

''(B) award the funds that are reserved by the State under subsection (a)(3) through competitive grants to eligible entities, in accordance with section 134(a)(1)(C).

''(2) FORMULA ALLOCATIONS FOR THE WORKFORCE INVESTMENT FUND.—

''(A) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State shall allocate—

''(i) 25 percent on the basis described in section 132(b)(2)(B)(i);

''(ii) 25 percent on the basis described in section 132(b)(2)(B)(ii);

''(iii) 25 percent on the basis described in section 132(b)(2)(B)(iii); and

''(iv) 25 percent on the basis described in section 132(b)(2)(B)(iv),

except that a reference in a section specified in any of clauses (i) through (iv) to 'each State' shall be considered to refer to each local area, and to 'all States' shall be considered to refer to all local areas.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The State shall ensure that no local area shall receive an allocation under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the State shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percentage of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(C) DEFINITIONS.—For the purpose of the formula specified in this paragraph, the term 'allocation percentage'—

''(i) used with respect to fiscal year 2013, means the percentage of the amounts allocated to local areas under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the local area involved for fiscal year 2013; and

''(ii) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allocated to local areas under this paragraph for the fiscal year, that is received under this paragraph by the local area involved for the fiscal year.'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under subsection (b) for employment and training activities and that are available for reallocation.'';

(B) in paragraph (2), by striking ''paragraph (2)(A) or (3) of subsection (b) for such activities'' and inserting ''subsection (b) for such activities'';

(C) by amending paragraph (3) to read as follows:

''(3) REALLOCATIONS.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(2) for such activities for such prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(2) for such activities for such prior program year.''; and

(D) in paragraph (4), by striking ''paragraph (2)(A) or (3) of''; and

(4) by adding at the end the following new subsection:

''(d) LOCAL ADMINISTRATIVE COST LIMIT.—Of the amount allocated to a local area under this section for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities in the local area under this chapter.''.

SEC. 422. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134 (29 U.S.C. 2864) is amended—

(1) by amending subsection (a) to read as follows:

''(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

''(1) IN GENERAL.—

''(A) DISTRIBUTION OF STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in section 133(a)(1) and not reserved under paragraph (2) or (3) of section 133(a)—

''(i) shall be used to carry out the statewide employment and training activities described in paragraph (2); and

''(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3).

''(B) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Funds reserved by a Governor for a State as described in section 133(a)(2) shall be used to provide the statewide rapid response activities and additional assistance described in paragraph (4).

''(C) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Funds reserved by a Governor for a State as described in section 133(a)(3) shall be used to award statewide grants for individuals with barriers to employment on a competitive basis, and carry out other activities, as described in paragraph (5).

''(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State shall use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities, which shall include—

''(A) disseminating the State list of eligible providers of training services described in section 122(d), information identifying eligible providers of on-the-job training and customized training described in section 122(i), and performance information and program cost information described in section 122(b)(2);

''(B) supporting the provision of work ready services described in subsection (c)(2) in the one-stop delivery system;

''(C) implementing strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, recognized postsecondary credentials, and employment experience to succeed in the labor market;

''(D) conducting evaluations under section 136(e) of activities authorized under this chapter in coordination with evaluations carried out by the Secretary under section 172;

''(E) providing technical assistance to local areas that fail to meet local performance measures;

''(F) operating a fiscal and management accountability system under section 136(f); and

''(G) carrying out monitoring and oversight of activities carried out under this chapter.

''(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State may use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities which may include—

''(A) implementing innovative programs and strategies designed to meet the needs of all employers in the State, including small employers, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnership initiatives, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery

system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

''(B) providing incentive grants to local areas—

''(i) for regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

''(ii) for local coordination of activities carried out under this Act; and

''(iii) for exemplary performance by local areas on the local performance measures;

''(C) developing strategies for effectively integrating programs and services among one-stop partners;

''(D) carrying out activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

''(E) incorporating pay-for-performance contract strategies as an element in funding activities under this section and providing technical support to local areas and eligible providers in order to carry out such a strategy, which may involve providing assistance with data collection and data entry requirements;

''(F) carrying out the State option under subsection (f)(8); and

''(G) carrying out other activities authorized under this section that the State determines to be necessary to assist local areas in carrying out activities described in subsection (c) or (d) through the statewide workforce investment system.

''(4) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—A State shall use funds reserved as described in section 133(a)(2)—

''(A) to carry out statewide rapid response activities, which shall include provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

''(B) to provide additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas.

''(5) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

''(A) IN GENERAL.—Of the funds reserved as described in section 133(a)(3), the Governor of a State—

''(i) may reserve up to 5 percent to provide technical assistance for, and conduct evaluations as described in section 136(e) of, the programs carried out under this paragraph; and

''(ii) using the remainder, shall award grants on a competitive basis to eligible entities (that meet specific performance outcomes and criteria established by the Governor) described in subparagraph (B) to carry out employment and training programs authorized under this paragraph for individuals with barriers to employment.

''(B) ELIGIBLE ENTITY DEFINED.—For purposes of this paragraph, the term 'eligible entity' means an entity that—

''(i) is a—

''(I) local board or a consortium of local boards;

''(II) nonprofit entity, for-profit entity, or a consortium of nonprofit or for-profit entities; or

''(III) consortium of the entities described in subclauses (I) and (II);

''(ii) has a demonstrated record of placing individuals into unsubsidized employment and serving hard-to-serve individuals; and

''(iii) agrees to be reimbursed primarily on the basis of meeting specified performance outcomes and criteria established by the Governor.

''(C) GRANT PERIOD.—

''(i) IN GENERAL.—A grant under this paragraph shall be awarded for a period of 1 year.

''(ii) GRANT RENEWAL.—A Governor of a State may renew, for up to 4 additional 1-year periods, a grant awarded under this paragraph.

''(D) ELIGIBLE PARTICIPANTS.—To be eligible to participate in activities under this paragraph, an individual shall be a low-income individual age 16 or older.

''(E) USE OF FUNDS.—An eligible entity receiving a grant under this paragraph shall use the grant funds for programs of activities that are designed to assist eligible participants in obtaining employment and acquiring the education and skills necessary to succeed in the labor market. To be eligible to receive a grant under this paragraph for an employment and training program, an eligible entity shall submit an application to a State at such time, in such manner, and containing such information as the State may require, including—

''(i) a description of how the strategies and activities of the program will be aligned with the State plan submitted under section 112 and the local plan submitted under section 118, with respect to the area of the State that will be the focus of the program under this paragraph;

''(ii) a description of the educational and skills training programs and activities the eligible entity will provide to eligible participants under this paragraph;

''(iii) how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such programs and activities;

''(iv) a description of the programs of demonstrated effectiveness on which the provision of such educational and skills training programs and activities are based, and a description of how such programs and activities will improve education and skills training for eligible participants;

''(v) a description of the populations to be served and the skill needs of those populations, and the manner in which eligible participants will be recruited and selected as participants;

''(vi) a description of the private, public, local, and State resources that will be leveraged, with the grant funds provided, for the program under this paragraph, and how the entity will ensure the sustainability of such program after grant funds are no longer available;

''(vii) a description of the extent of the involvement of employers in such program;

''(viii) a description of the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for all individuals specified in section 136(b)(2);

''(ix) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the program provided under this paragraph; and

''(x) any other criteria the Governor may require.'';

(2) by amending subsection (b) to read as follows:

''(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area under section 133(b)—

''(1) shall be used to carry out employment and training activities described in subsection (c); and

''(2) may be used to carry out employment and training activities described in subsection (d).'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e), as subsections (c) and (d), respectively;

(5) in subsection (c) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Funds allocated to a local area under section 133(b) shall be used—

''(A) to establish a one-stop delivery system as described in section 121(e);

''(B) to provide the work ready services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph; and

''(C) to provide training services described in paragraph (4) in accordance with such paragraph.'';

(B) in paragraph (2)—

(i) in the heading, by striking ''CORE SERVICES'' and inserting ''WORK READY SERVICES'';

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''(1)(A)'' and inserting ''(1)'';

(II) by striking ''core services'' and inserting ''work ready services''; and

(III) by striking ''who are adults or dislocated workers'';

(iii) by redesignating subparagraph (K) as subparagraph (V);

(iv) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

(v) by inserting after subparagraph (A) the following:

''(B) assistance in obtaining eligibility determinations under the other one-stop partner programs through activities, where appropriate and consistent with the authorizing statute of the one-stop partner program involved, such as assisting in—

''(i) the submission of applications;

''(ii) the provision of information on the results of such applications; and

''(iii) the provision of intake services and information;'';

(vi) by amending subparagraph (E), as so redesignated, to read as follows:

''(E) labor exchange services, including—

''(i) job search and placement assistance, and where appropriate, career counseling;

''(ii) appropriate recruitment services for employers, including small employers, in the local area, which may include services described in this subsection, including provision of information and referral to specialized business services not traditionally offered through the one-stop delivery system; and

''(iii) reemployment services provided to unemployment claimants, including claimants identified as in need of such services under the worker profiling system established under section 303(j) of the Social Security Act (42 U.S.C. 503(j));'';

(vii) in subparagraph (F), as so redesignated, by striking ''employment statistics'' and inserting ''workforce and labor market'';

(viii) in subparagraph (G), as so redesignated, by striking ''and eligible providers of youth activities described in section 123,'';

(ix) in subparagraph (H), as so redesignated, by inserting ''under section 136'' after ''local performance measures'';

(x) in subparagraph (J), as so redesignated, by inserting ''and information regarding the administration of the work test for the unemployment compensation system'' after ''compensation'';

(xi) by amending subparagraph (K), as so redesignated, to read as follows:

''(K) assistance in establishing eligibility for programs of financial aid assistance for

education and training programs that are not funded under this Act and are available in the local area;''; and

(xii) by inserting the following new subparagraphs after subparagraph (K), as so redesignated:

''(L) the provision of information from official publications of the Internal Revenue Service regarding Federal tax credits, available to participants in employment and training activities, and relating to education, job training, and employment;

''(M) comprehensive and specialized assessments of the skill levels and service needs of workers, which may include—

''(i) diagnostic testing and use of other assessment tools; and

''(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

''(N) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant;

''(O) group counseling;

''(P) individual counseling and career planning;

''(Q) case management;

''(R) short-term pre-career services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

''(S) internships and work experience;

''(T) literacy activities relating to basic work readiness, information and communication technology literacy activities, and financial literacy activities, if the activities involved are not available to participants in the local area under programs administered under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.);

''(U) out-of-area job search assistance and relocation assistance; and'';

(C) by amending paragraph (3) to read as follows:

''(3) DELIVERY OF SERVICES.—The work ready services described in paragraph (2) shall be provided through the one-stop delivery system and may be provided through contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.''; and

(D) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Funds described in paragraph (1)(C) shall be used to provide training services to individuals who—

''(i) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(I) be in need of training services to obtain or retain employment; and

''(II) have the skills and qualifications to successfully participate in the selected program of training services;

''(ii) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the individual receiving such services are willing to commute or relocate; and

''(iii) who meet the requirements of subparagraph (B).'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) by amending subparagraph (D) to read as follows:

''(D) TRAINING SERVICES.—Training services authorized under this paragraph may include—

''(i) occupational skills training;

''(ii) on-the-job training;

''(iii) skill upgrading and retraining;

''(iv) entrepreneurial training;

''(v) education activities leading to a regular secondary school diploma or its recognized equivalent in combination with, concurrently or subsequently, occupational skills training;

''(vi) adult education and family literacy education activities provided in conjunction with other training services authorized under this subparagraph;

''(vii) workplace training combined with related instruction;

''(viii) occupational skills training that incorporates English language acquisition;

''(ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

''(x) training programs operated by the private sector.'';

(iv) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(v) in subparagraph (E) (as so redesignated)—

(I) in clause (ii)—

(aa) in the matter preceding subclause (I), by striking ''subsection (c)'' and inserting ''section 121'';

(bb) in subclause (I), by striking ''section 122(e)'' and inserting ''section 122(d)'' and by striking ''section 122(h)'' and inserting ''section 122(i)''; and

(cc) in subclause (II), by striking ''subsections (e) and (h)'' and inserting ''subsections (d) and (i)''; and

(II) by striking clause (iii) and inserting the following:

''(iii) CAREER ENHANCEMENT ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a case manager, select an eligible provider of training services from the list or identifying information for providers described in clause (ii)(I). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through a career enhancement account.

''(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career enhancement accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services from (notwithstanding any provision of this title) eligible providers for those programs and sources.

''(v) ASSISTANCE.—Each local board may, through one-stop centers, assist individuals receiving career enhancement accounts in obtaining funds (in addition to the funds provided under this section) from other programs and sources that will assist the individual in obtaining training services.''; and

(vi) in subparagraph (F) (as so redesignated)—

(I) in the subparagraph heading, by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER ENHANCEMENT ACCOUNTS'';

(II) in clause (i), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(III) in clause (ii)—

(aa) by striking ''an individual training account'' and inserting ''a career enhancement account'';

(bb) by striking ''subparagraph (F)'' and inserting ''subparagraph (E)'';

(cc) in subclause (II), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(dd) in subclause (II), by striking ''or'' after the semicolon;

(ee) in subclause (III), by striking the period and inserting ''; or''; and

(ff) by adding at the end the following:

''(IV) the local board determines that it would be most appropriate to award a contract to a postsecondary educational institution that has been identified as a priority eligible provider under section 117(d)(5)(B) in order to facilitate the training of multiple individuals in in-demand industries or occupations important to the State or local economy, that such contract may be used to enable the expansion of programs provided by a priority eligible provider, and that such contract does not limit customer choice.'';

(IV) in clause (iii), by striking ''adult or dislocated worker'' and inserting ''individual''; and

(V) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

''(IV) Individuals with disabilities.'';

(6) in subsection (d) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

''(A) IN GENERAL.—Funds allocated to a local area under section 133(b)(2) may be used to provide, through the one-stop delivery system—

''(i) customized screening and referral of qualified participants in training services to employers;

''(ii) customized employment-related services to employers on a fee-for-service basis;

''(iii) customer supports, including transportation and child care, to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities;

''(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(v) incorporation of pay-for-performance contract strategies as an element in funding activities under this section;

''(vi) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology; and

''(vii) activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118.'';

(B) by striking paragraphs (2) and (3); and

(C) by adding at the end the following:

''(2) INCUMBENT WORKER TRAINING PROGRAMS.—

''(A) IN GENERAL.—The local board may use funds allocated to a local area under section 133(b)(2) to carry out incumbent worker training programs in accordance with this paragraph.

''(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

''(C) EMPLOYER MATCH REQUIRED.—

''(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers of the employers. The local board shall establish the required payment toward such costs, which may include in-kind contributions.

''(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the required payment of the employer.''; and

(7) by adding at the end the following:

''(e) PRIORITY FOR PLACEMENT IN PRIVATE SECTOR JOBS.—In providing employment and training activities authorized under this section, the State board and local board shall give priority to placing participants in jobs in the private sector.

''(f) VETERAN EMPLOYMENT SPECIALIST.—

''(1) IN GENERAL.—Subject to paragraph (8), a local board shall hire and employ one or more veteran employment specialists to carry out employment, training, supportive, and placement services under this subsection in the local area served by the local board.

''(2) PRINCIPAL DUTIES.—A veteran employment specialist in a local area shall—

''(A) conduct outreach to employers in the local area to assist veterans, including disabled veterans, in gaining employment, including—

''(i) conducting seminars for employers; and

''(ii) in conjunction with employers, conducting job search workshops, and establishing job search groups; and

''(B) facilitate the furnishing of employment, training, supportive, and placement services to veterans, including disabled and homeless veterans, in the local area.

''(3) HIRING PREFERENCE FOR VETERANS AND INDIVIDUALS WITH EXPERTISE IN SERVING VETERANS.—Subject to paragraph (8), a local board shall, to the maximum extent practicable, employ veterans or individuals with expertise in serving veterans to carry out the services described in paragraph (2) in the local area served by the local board. In hiring an individual to serve as a veteran employment specialist, a local board shall give preference to veterans and other individuals in the following order:

''(A) To service-connected disabled veterans.

''(B) If no veteran described in subparagraph (A) is available, to veterans.

''(C) If no veteran described in subparagraph (A) or (B) is available, to any member of the Armed Forces transitioning out of military service.

''(D) If no veteran or member described in subparagraph (A), (B), or (C) is available, to any spouse of a veteran or a spouse of a member of the Armed Forces transitioning out of military service.

''(E) If no veteran or member described in subparagraph (A), (B), or (C) is available and no spouse described in paragraph (D) is available, to any other individuals with expertise in serving veterans.

''(4) ADMINISTRATION AND REPORTING.—

''(A) IN GENERAL.—Each veteran employment specialist shall be administratively responsible to the one-stop operator of the one-stop center in the local area and shall provide, at a minimum, quarterly reports to the one-stop operator of such center and to the Assistant Secretary for Veterans' Employment and Training for the State on the specialist's performance, and compliance by the specialist with Federal law (including regulations), with respect to the—

''(i) principal duties (including facilitating the furnishing of services) for veterans described in paragraph (2); and

''(ii) hiring preferences described in paragraph (3) for veterans and other individuals.

''(B) REPORT TO SECRETARY.—Each State shall submit to the Secretary an annual report on the qualifications used by each local board in the State in making hiring determinations for a veteran employment specialist and the salary structure under which such specialist is compensated.

''(C) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and the Workforce and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs of the Senate an annual report summarizing the reports submitted under subparagraph (B), and including summaries of outcomes achieved by participating veterans, disaggregated by local areas.

''(5) PART-TIME EMPLOYEES.—A part-time veteran employment specialist shall perform the functions of a veteran employment specialist under this subsection on a halftime basis.

''(6) TRAINING REQUIREMENTS.—Each veteran employment specialist described in paragraph (2) shall satisfactorily complete training provided by the National Veterans' Employment and Training Institute during the 3-year period that begins on the date on which the employee is so assigned.

''(7) SPECIALIST'S DUTIES.—A full-time veteran employment specialist shall perform only duties related to employment, training, supportive, and placement services under this subsection, and shall not perform other non-veteran-related duties if such duties detract from the specialist's ability to perform the specialist's duties related to employment, training, supportive, and placement services under this subsection.

''(8) STATE OPTION.—At the request of a local board, a State may opt to assume the duties assigned to the local board under paragraphs (1) and (3), including the hiring and employment of one or more veteran employment specialists for placement in the local area served by the local board.''.

SEC. 423. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 136 (29 U.S.C. 2871) is amended—

(1) in subsection (b)—

(A) by amending paragraphs (1) and (2) to read as follows:

''(1) IN GENERAL.—For each State, the State performance measures shall consist of—

''(A)(i) the core indicators of performance described in paragraph (2)(A); and

''(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

''(B) a State adjusted level of performance for each indicator described in subparagraph (A).

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—The core indicators of performance for the program of employment and training activities authorized under sections 132(a)(2) and 134, the program of adult education and family literacy education activities authorized under title II, and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of the following indicators of performance (with performance determined in the aggregate and as disaggregated by the populations identified in the State and local plan in each case):

''(I) The percentage and number of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program.

''(II) The percentage and number of program participants who are in unsubsidized employment during the fourth full calendar quarter after exit from the program.

''(III) The difference in the median earnings of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program, compared to the median earnings of such participants prior to participation in such program.

''(IV) The percentage and number of program participants who obtain a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), or a regular secondary school diploma or its recognized equivalent (subject to clause (ii)), during participation in or within 1 year after exit from the program.

''(V) The percentage and number of program participants who, during a program year—

''(aa) are in an education or training program that leads to a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), a certificate from an on-the-job training program, a regular secondary school diploma or its recognized equivalent, or unsubsidized employment; and

''(bb) are achieving measurable basic skill gains toward such a credential, certificate, diploma, or employment.

''(VI) The percentage and number of program participants who obtain unsubsidized employment in the field relating to the training services described in section 134(c)(4) that such participants received.

''(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), program participants who obtain a regular secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants (in addition to obtaining such diploma or its recognized equivalent), within 1 year after exit from the program, have obtained or retained employment, have been removed from public assistance, or have begun an education or training program leading to a recognized postsecondary credential.

''(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the heading, by striking ''AND CUSTOMER SATISFACTION INDICATOR'';

(II) in clause (i), by striking ''and the customer satisfaction indicator described in paragraph (2)(B)'';

(III) in clause (ii), by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting '', for all 3'';

(IV) in clause (iii)—

(aa) in the heading, by striking ''FOR FIRST 3 YEARS''; and

(bb) by striking ''and the customer satisfaction indicator of performance, for the first 3 program years'' and inserting ''for all 3 program years'';

(V) in clause (iv)—

(aa) by striking ''or (v)'';

(bb) by striking subclause (I) and redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(cc) in subclause (I) (as so redesignated)—

(AA) by inserting '', such as unemployment rates and job losses or gains in particular industries'' after ''economic conditions''; and

(BB) by inserting '', such as indicators of poor work experience, dislocation from high-wage employment, low levels of literacy or English proficiency, disability status (including disability status among veterans), and welfare dependency,'' after ''program'';

(VI) by striking clause (v) and redesignating clause (vi) as clause (v); and

(VII) in clause (v) (as so redesignated)—

(aa) by striking ''described in clause (iv)(II)'' and inserting ''described in clause (iv)(I)''; and

(bb) by striking ''or (v)''; and

(ii) in subparagraph (B), by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(B)'';

(2) in subsection (c)—

(A) by amending clause (i) of paragraph (1)(A) to read as follows:

''(i) the core indicators of performance described in subsection (b)(2)(A) for activities described in such subsection, other than statewide workforce investment activities; and'';

(B) in clause (ii) of paragraph (1)(A), by striking ''(b)(2)(C)'' and inserting ''(b)(2)(B)''; and

(C) by amending paragraph (3) to read as follows:

''(3) DETERMINATIONS.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic conditions (such as unemployment rates and job losses or gains in particular industries), or demographic characteristics or other characteristics of the population to be served, in the local area.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''127 or'';

(ii) by striking ''and the customer satisfaction indicator'' each place it appears; and

(iii) in the last sentence, by inserting before the period the following: '', and on the amount and percentage of the State's annual allotment under section 132 the State spends on administrative costs and on the amount and percentage of its annual allocation under section 133 each local area in the State spends on administrative costs'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A), (B), and (D);

(ii) by redesignating subparagraph (C) as subparagraph (A);

(iii) by redesignating subparagraph (E) as subparagraph (B);

(iv) in subparagraph (B), as so redesignated—

(I) by striking ''(excluding participants who received only self-service and informational activities)''; and

(II) by striking ''and'' at the end;

(v) by striking subparagraph (F); and

(vi) by adding at the end the following:

''(C) with respect to each local area in the State—

''(i) the number of individuals who received work ready services described in section 134(c)(2) and the number of individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services, and the amount of funds spent on each of the 2 types of services during the most recent program year and fiscal year, and the preceding 5 fiscal years;

''(ii) the number of individuals who successfully exited out of work ready services described in section 134(c)(2) and the number of individuals who exited out of training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services; and

''(iii) the average cost per participant of those individuals who received work ready services described in section 134(c)(2) and the average cost per participant of those individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services; and

''(D) the amount of funds spent on training services and discretionary activities described in section 134(d), disaggregated by the populations identified under section 112(b)(16)(A)(iv) and section 118(b)(10).'';

(C) in paragraph (3)(A), by striking ''through publication'' and inserting ''through electronic means''; and

(D) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the reports is valid and reliable.

''(5) STATE AND LOCAL POLICIES.—

''(A) STATE POLICIES.—Each State that receives an allotment under section 132 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the State board and make such repository available to the public, including by electronic means.

''(B) LOCAL POLICIES.—Each local area that receives an allotment under section 133 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the local board and make such repository available to the public, including by electronic means.'';

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or (B)''; and

(ii) in subparagraph (B), by striking ''may reduce by not more than 5 percent,'' and inserting ''shall reduce''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall return to the Treasury the amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B).'';

(5) in subsection (h)—

(A) in paragraph (1), by striking ''or (B)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by amending the matter preceding clause (i) to read as follows:

''(A) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, including the development of a reorganization plan. Such plan shall—'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A), the following:

''(B) REDUCTION IN THE AMOUNT OF GRANT.—If such failure continues for a third consecutive year, the Governor shall reduce the amount of the grant that would (in the absence of this subparagraph) be payable to the local area under such program for the program year after such third consecutive year. Such penalty shall be based on the degree of failure to meet local levels of performance.'';

(iv) in subparagraph (C)(i) (as so redesignated), by striking ''a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan'' and inserting ''corrective action under subparagraph (A) or (B) may, not later than 30 days after receiving notice of the action, appeal to the Governor to rescind or revise such action''; and

(v) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)'';

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''subsection (b)(2)(C)'' and inserting ''subsection (b)(2)(B)''; and

(ii) in subparagraph (C), by striking ''(b)(3)(A)(vi)'' and inserting ''(b)(3)(A)(v)'';

(B) in paragraph (2), by striking ''the activities described in section 502 concerning''; and

(C) in paragraph (3), by striking ''described in paragraph (1) and in the activities described in section 502'' and inserting ''and activities described in this subsection''; and

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

''(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—Consistent with the requirements of the applicable authorizing laws, the Secretary shall use the core indicators of performance described in subsection (b)(2)(A) to assess the effectiveness of the programs described in section 121(b)(1)(B) (in addition to the programs carried out under chapter 5) that are carried out by the Secretary.

''(k) ESTABLISHING PAY-FOR-PERFORMANCE INCENTIVES.—

''(1) IN GENERAL.—At the discretion of the Governor of a State, a State may establish an incentive system for local boards to implement pay-for-performance contract strategies for the delivery of employment and training activities in the local areas served by the local boards.

''(2) IMPLEMENTATION.—A State that establishes a pay-for-performance incentive system shall reserve not more than 10 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to provide funds to local areas in the State whose local boards have implemented a pay-for-performance contract strategy.

''(3) EVALUATIONS.—A State described in paragraph (2) shall use funds reserved by the State under section 133(a)(1) to evaluate the return on investment of pay-for-performance contract strategies implemented by local boards in the State.''.

SEC. 424. AUTHORIZATION OF APPROPRIATIONS.

Section 137 (29 U.S.C. 2872) is amended to read as follows:

''SEC. 137. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the activities described in section 132, $5,945,639,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

CHAPTER 3—JOB CORPS

SEC. 426. JOB CORPS PURPOSES.

Paragraph (1) of section 141 (29 U.S.C. 2881(1)) is amended to read as follows:

''(1) to maintain a national Job Corps program for at-risk youth, carried out in partnership with States and communities, to assist eligible youth to connect to the workforce by providing them with intensive academic, career and technical education, and service-learning opportunities, in residential and nonresidential centers, in order for such youth to obtain regular secondary school diplomas and recognized postsecondary credentials leading to successful careers in in-demand industries that will result in opportunities for advancement;''.

SEC. 427. JOB CORPS DEFINITIONS.

Section 142 (29 U.S.C. 2882) is amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking ''APPLICABLE ONE-STOP'' and inserting ''ONE-STOP'';

(B) by striking ''applicable'';

(C) by striking ''customer service''; and

(D) by striking ''intake'' and inserting ''assessment'';

(2) in paragraph (4), by striking ''before completing the requirements'' and all that follows and inserting ''prior to becoming a graduate.''; and

(3) in paragraph (5), by striking ''has completed the requirements'' and all that follows and inserting the following: ''who, as a result of participation in the Job Corps program, has received a regular secondary school diploma, completed the requirements of a career and technical education and training program, or received, or is making satisfactory progress (as defined under section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c))) toward receiving, a recognized postsecondary credential (including an industry-recognized credential) that prepares individuals for employment leading to economic self-sufficiency.''.

SEC. 428. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 144 (29 U.S.C. 2884) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) not less than age 16 and not more than age 24 on the date of enrollment;'';

(2) in paragraph (3)(B), by inserting ''secondary'' before ''school''; and

(3) in paragraph (3)(E), by striking ''vocational'' and inserting ''career and technical education and''.

SEC. 429. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

Section 145 (29 U.S.C. 2885) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C)(i) by striking ''vocational'' and inserting ''career and technical education and training''; and

(B) in paragraph (3)—

(i) by striking ''To the extent practicable, the'' and inserting ''The'';

(ii) in subparagraph (A)—

(I) by striking ''applicable''; and

(II) by inserting ''and'' after the semicolon;

(iii) by striking subparagraphs (B) and (C); and

(iv) by adding at the end the following:

''(B) organizations that have a demonstrated record of effectiveness in placing at-risk youth into employment.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and agrees to such rules'' after ''failure to observe the rules''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary, which shall include—

''(i) a search of the State criminal registry or repository in the State where the individual resides and each State where the individual previously resided;

''(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where the individual previously resided;

''(iii) a search of the National Crime Information Center;

''(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).''; and

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

''(3) INDIVIDUALS CONVICTED OF A CRIME.—An individual shall be ineligible for enrollment if the individual—

''(A) makes a false statement in connection with the criminal background check described in paragraph (1)(C);

''(B) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) a crime involving rape or sexual assault; or

''(v) physical assault, battery, or a drug-related offense, committed within the past 5 years.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''2 years'' and inserting ''year''; and

(ii) by striking ''an assignment'' and inserting ''a''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking '', every 2 years,'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C)—

(I) by inserting ''the education and training'' after ''including''; and

(II) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the performance of the Job Corps center relating to the indicators described in paragraphs (1) and (2) in section 159(c), and whether any actions have been taken with respect to such center pursuant to section 159(f).''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''is closest to the home of the enrollee, except that the'' and inserting ''offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) in paragraph (2), by inserting ''that offers the career and technical education and training desired by'' after ''home of the enrollee''.

SEC. 430. JOB CORPS CENTERS.

Section 147 (29 U.S.C. 2887) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''vocational'' both places it appears and inserting ''career and technical''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''subsections (c) and (d) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)'' and inserting ''subsections (a) and (b) of section 3304 of title 41, United States Code''; and

(II) by striking ''industry council'' and inserting ''workforce council'';

(ii) in subparagraph (B)(i)—

(I) by amending subclause (II) to read as follows:

''(II) the ability of the entity to offer career and technical education and training that the workforce council proposes under section 154(c);'';

(II) in subclause (III), by striking ''is familiar with the surrounding communities, applicable'' and inserting ''demonstrates relationships with the surrounding communities, employers, workforce boards,'' and by striking ''and'' at the end;

(III) by amending subclause (IV) to read as follows:

''(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including the entity's demonstrated effectiveness in assisting individuals in achieving the primary and secondary indicators of performance described in paragraphs (1) and (2) of section 159(c); and''; and

(IV) by adding at the end the following new subclause:

''(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including by providing them with intensive academic, and career and technical education and training.''; and

(iii) in subparagraph (B)(ii)—

(I) by striking '', as appropriate''; and

(II) by striking ''through (IV)'' and inserting ''through (V)'';

(2) in subsection (b), by striking ''In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.'';

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

''(c) CIVILIAN CONSERVATION CENTERS.—

''(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall adhere to all the provisions of this subtitle, and shall provide, in addition to education, career and technical education and training, and workforce preparation skills training described in section 148, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

''(2) SELECTION PROCESS.—The Secretary shall select an entity that submits an application under subsection (d) to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a).''; and

(4) by striking subsection (d) and inserting the following:

''(d) APPLICATION.—To be eligible to operate a Job Corps center under this subtitle, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the program activities that will be offered at the center, including how the career and technical education and training reflect State and local employment opportunities, including in in-demand industries;

''(2) a description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment upon completion of the program;

''(3) a description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment, including past performance of operating a Job Corps center under this subtitle;

''(4) a description of the relationships that the entity has developed with State and local workforce boards, employers, State and

local educational agencies, and the surrounding communities in an effort to promote a comprehensive statewide workforce investment system;

''(5) a description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a);

''(6) a description of the strategies and policies the entity will utilize to reduce participant costs;

''(7) a description of the steps taken to control costs in accordance with section 159(a)(3);

''(8) a detailed budget of the activities that will be supported using funds under this subtitle;

''(9) a detailed budget of the activities that will be supported using funds from non-Federal resources;

''(10) an assurance the entity will comply with the administrative cost limitation included in section 151(c);

''(11) an assurance the entity is licensed to operate in the State in which the center is located; and

''(12) an assurance the entity will comply with and meet basic health and safety codes, including those measures described in section 152(b).

''(e) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not longer than a 2-year period. The Secretary may renew the agreement for 3 1-year periods if the entity meets the requirements of subsection (f).

''(f) RENEWAL.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may renew the terms of an agreement described in subsection (a)(1)(A) for an entity to operate a Job Corps center if the center meets or exceeds each of the indicators of performance described in section 159(c)(1).

''(2) RECOMPETITION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall not renew the terms of the agreement for an entity to operate a Job Corps center if such center is ranked in the bottom quintile of centers described in section 159(f)(2) for any program year. Such entity may submit a new application under subsection (d) only if such center has shown significant improvement on the indicators of performance described in section 159(c)(1) over the last program year.

''(B) VIOLATIONS.—The Secretary shall not select an entity to operate a Job Corps center if such entity or such center has been found to have a systemic or substantial material failure that involves—

''(i) a threat to the health, safety, or civil rights of program participants or staff;

''(ii) the misuse of funds received under this subtitle;

''(iii) loss of legal status or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds;

''(iv) failure to meet any other Federal or State requirement that the entity has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified; or

''(v) an unresolved area of noncompliance.

''(g) CURRENT GRANTEES.—Not later than 60 days after the date of enactment of the SKILLS Act and notwithstanding any previous grant award or renewals of such award under this subtitle, the Secretary shall require all entities operating a Job Corps center under this subtitle to submit an application under subsection (d) to carry out the requirements of this section.''.

SEC. 431. PROGRAM ACTIVITIES.

Section 148 (29 U.S.C. 2888) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ACTIVITIES PROVIDED THROUGH JOB CORPS CENTERS.—

''(1) IN GENERAL.—Each Job Corps center shall provide enrollees with an intensive, well-organized, and supervised program of education, career and technical education and training, work experience, recreational activities, physical rehabilitation and development, and counseling. Each Job Corps center shall provide enrollees assigned to the center with access to work ready services described in section 134(c)(2).

''(2) RELATIONSHIP TO OPPORTUNITIES.—

''(A) IN GENERAL.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

''(i) secure and maintain meaningful unsubsidized employment;

''(ii) complete secondary education and obtain a regular secondary school diploma;

''(iii) enroll in and complete postsecondary education or training programs, including obtaining recognized postsecondary credentials (such as industry-recognized credentials and certificates from registered apprenticeship programs); or

''(iv) satisfy Armed Forces requirements.

''(B) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to the employment opportunities in in-demand industries in the State in which the Job Corps center is located.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EDUCATION AND VOCATIONAL'' and inserting ''ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND'';

(B) by striking ''may'' after ''The Secretary'' and inserting ''shall''; and

(C) by striking ''vocational'' each place it appears and inserting ''career and technical''; and

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

''(3) DEMONSTRATION.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

''(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

''(B) such operator has met or exceeded the indicators of performance described in paragraphs (1) and (2) of section 159(c) for the previous year.''.

SEC. 432. COUNSELING AND JOB PLACEMENT.

Section 149 (29 U.S.C. 2889) is amended—

(1) in subsection (a), by striking ''vocational'' and inserting ''career and technical education and'';

(2) in subsection (b)—

(A) by striking ''make every effort to arrange to''; and

(B) by striking ''to assist'' and inserting ''assist''; and

(3) by striking subsection (d).

SEC. 433. SUPPORT.

Subsection (b) of section 150 (29 U.S.C. 2890) is amended to read as follows:

''(b) TRANSITION ALLOWANCES AND SUPPORT FOR GRADUATES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate's completion of academic, career and technical education or training, and attainment of a recognized postsecondary credential, including an industry-recognized credential.''.

SEC. 434. OPERATIONS.

Section 151 (29 U.S.C. 2891) is amended—

(1) in the header, by striking ''**OPERATING PLAN.**'' and inserting ''**OPERATIONS.**'';

(2) in subsection (a), by striking ''IN GENERAL.—'' and inserting ''OPERATING PLAN.—'';

(3) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(4) by amending subsection (b) (as so redesignated)—

(A) in the heading by inserting ''OF OPERATING PLAN'' after ''AVAILABILITY''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(5) by adding at the end the following new subsection:

''(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds allotted under section 147 to an entity selected to operate a Job Corps center may be used by the entity for administrative costs under this subtitle.''.

SEC. 435. COMMUNITY PARTICIPATION.

Section 153 (29 U.S.C. 2893) is amended to read as follows:

''SEC. 153. COMMUNITY PARTICIPATION.

''The director of each Job Corps center shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers in the State and nearby communities. Such activities may include the use of any local workforce development boards established under section 117 to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest.''.

SEC. 436. WORKFORCE COUNCILS.

Section 154 (29 U.S.C. 2894) is amended to read as follows:

''SEC. 154. WORKFORCE COUNCILS.

''(a) IN GENERAL.—Each Job Corps center shall have a workforce council appointed by the Governor of the State in which the Job Corps center is located.

''(b) WORKFORCE COUNCIL COMPOSITION.—

''(1) IN GENERAL.—A workforce council shall be comprised of—

''(A) business members of the State board described in section 111(b)(1)(B)(i);

''(B) business members of the local boards described in section 117(b)(2)(A) located in the State;

''(C) a representative of the State board described in section 111(f); and

''(D) such other representatives and State agency officials as the Governor may designate.

''(2) MAJORITY.—A ⅔ majority of the members of the workforce council shall be representatives described in paragraph (1)(A).

''(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

''(1) to review all the relevant labor market information, including related information in the State plan described in section 112, to—

''(A) determine the in-demand industries in the State in which enrollees intend to seek employment after graduation;

''(B) determine the skills and education that are necessary to obtain the employment opportunities described in subparagraph (A); and

''(C) determine the type or types of career and technical education and training that will be implemented at the center to enable the enrollees to obtain the employment opportunities; and

''(2) to meet at least once a year to reevaluate the labor market information, and other relevant information, to determine any necessary changes in the career and technical education and training provided at the center.''.

SEC. 437. TECHNICAL ASSISTANCE.

Section 156 (29 U.S.C. 2896) is amended to read as follows:

''SEC. 156. TECHNICAL ASSISTANCE TO CENTERS.

''(a) IN GENERAL.—From the funds reserved under section 132(a)(3), the Secretary shall

provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance and training for the Job Corps program for the purposes of improving program quality.

''(b) ACTIVITIES.—In providing training and technical assistance and for allocating resources for such assistance, the Secretary shall—

''(1) assist entities, including those entities not currently operating a Job Corps center, in developing the application described in section 147(d);

''(2) assist Job Corps centers and programs in correcting deficiencies and violations under this subtitle;

''(3) assist Job Corps centers and programs in meeting or exceeding the indicators of performance described in paragraphs (1) and (2) of section 159(c); and

''(4) assist Job Corps centers and programs in the development of sound management practices, including financial management procedures.''.

SEC. 438. SPECIAL PROVISIONS.

Section 158(c)(1) (29 U.S.C. 2989(c)(1)) is amended by striking ''title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)'' and inserting ''chapter 5 of title 40, United States Code,''.

SEC. 439. PERFORMANCE ACCOUNTABILITY MANAGEMENT.

Section 159 (29 U.S.C. 2899) is amended—

(1) in the section heading, by striking ''**MANAGEMENT INFORMATION**'' and inserting ''**PERFORMANCE ACCOUNTABILITY AND MANAGEMENT**'';

(2) in subsection (a)(3), by inserting before the period at the end the following: '', or operating costs for such centers result in a budgetary shortfall'';

(3) by striking subsections (c) through (g); and

(4) by inserting after subsection (b) the following:

''(c) INDICATORS OF PERFORMANCE.—

''(1) PRIMARY INDICATORS.—The annual primary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of enrollees who graduate from the Job Corps center;

''(B) the percentage and number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps center, except that such calculation shall not include enrollment in education, the military, or volunteer service;

''(C) the percentage and number of graduates who obtained a recognized postsecondary credential, including an industry-recognized credential or a certificate from a registered apprenticeship program; and

''(D) the cost per successful performance outcome, which is calculated by comparing the number of graduates who were placed in unsubsidized employment or obtained a recognized postsecondary credential, including an industry-recognized credential, to total program costs, including all operations, construction, and administration costs at each Job Corps center.

''(2) SECONDARY INDICATORS.—The annual secondary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of graduates who entered unsubsidized employment not related to the career and technical education and training received through the Job Corps center;

''(B) the percentage and number of graduates who entered into postsecondary education;

''(C) the percentage and number of graduates who entered into the military;

''(D) the average wage of graduates who are in unsubsidized employment—

''(i) on the first day of employment; and

''(ii) 6 months after the first day;

''(E) the number and percentage of graduates who entered unsubsidized employment and were retained in the unsubsidized employment—

''(i) 6 months after the first day of employment; and

''(ii) 12 months after the first day of employment;

''(F) the percentage and number of enrollees compared to the percentage and number of enrollees the Secretary has established as targets in section 145(c)(1);

''(G) the cost per training slot, which is calculated by comparing the program's maximum number of enrollees that can be enrolled in a Job Corps center at any given time during the program year to the number of enrollees in the same program year; and

''(H) the number and percentage of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b).

''(3) INDICATORS OF PERFORMANCE FOR RECRUITERS.—The annual indicators of performance for recruiters shall include the measurements described in subparagraph (A) of paragraph (1) and subparagraphs (F), (G), and (H) of paragraph (2).

''(4) INDICATORS OF PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The annual indicators of performance of career transition service providers shall include the measurements described in subparagraphs (B) and (C) of paragraph (1) and subparagraphs, (B), (C), (D), and (E) of paragraph (2).

''(d) ADDITIONAL INFORMATION.—The Secretary shall collect, and submit in the report described in subsection (f), information on the performance of each Job Corps center, and the Job Corps program, regarding—

''(1) the number and percentage of former enrollees who obtained a regular secondary school diploma;

''(2) the number and percentage of former enrollees who entered unsubsidized employment;

''(3) the number and percentage of former enrollees who obtained a recognized postsecondary credential, including an industry-recognized credential;

''(4) the number and percentage of former enrollees who entered into military service; and

''(5) any additional information required by the Secretary.

''(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 136(f)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

''(f) TRANSPARENCY AND ACCOUNTABILITY.—

''(1) REPORT.—The Secretary shall collect and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available to the public by electronic means, a report containing—

''(A) information on the performance of each Job Corps center, and the Job Corps program, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(B) a comparison of each Job Corps center, by rank, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(C) a comparison of each Job Corps center, by rank, on the average performance of all primary indicators described in paragraph (1) of subsection (c);

''(D) information on the performance of the service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs; and

''(E) a comparison of each service provider, by rank, on the performance of all service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs.

''(2) ASSESSMENT.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center which shall include information on the Job Corps centers that—

''(A) are ranked in the bottom 10 percent on the performance indicator described in paragraph (1)(C); or

''(B) have failed a safety and health code review described in subsection (g).

''(3) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that is identified under paragraph (2) or reports less than 50 percent on the performance indicators described in subparagraph (A), (B), or (C) of subsection (c)(1), the Secretary shall develop and implement a 1 year performance improvement plan. Such a plan shall require action including—

''(A) providing technical assistance to the center;

''(B) changing the management staff of the center;

''(C) replacing the operator of the center;

''(D) reducing the capacity of the center; or

''(E) closing the center.

''(4) CLOSURE OF JOB CORPS CENTERS.—Job Corps centers that have been identified under paragraph (2) for more than 4 consecutive years shall be closed. The Secretary shall ensure—

''(A) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register and other appropriate means; and

''(B) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary.

''(g) PARTICIPANT HEALTH AND SAFETY.—The Secretary shall enter into an agreement with the General Services Administration or the appropriate State agency responsible for inspecting public buildings and safeguarding the health of disadvantaged students, to conduct an in-person review of the physical condition and health-related activities of each Job Corps center annually. Such review shall include a passing rate of occupancy under Federal and State ordinances.''.

CHAPTER 4—NATIONAL PROGRAMS

SEC. 441. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking:

''(a) GENERAL TECHNICAL ASSISTANCE.—'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left, and conforming the casing style of the headings of such subsections to the casing style of the heading of subsection (d), as added by paragraph (7) of this section;

(4) in subsection (a) (as so redesignated)—

(A) by inserting ''the training of staff providing rapid response services and additional assistance, the training of other staff of recipients of funds under this title, assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State), technical assistance to States that do not meet State performance measures described in section 136,'' after ''localities,''; and

(B) by striking ''from carrying out activities'' and all that follows up to the period and inserting ''to implement the amendments made by the SKILLS Act'';

(5) in subsection (b) (as so redesignated)—

(A) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(B) by striking '', or recipient of financial assistance under any of sections 166 through 169,''; and

(C) by striking ''or grant recipient'';

(6) in subsection (c) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(7) by inserting, after subsection (c) (as so redesignated), the following:

''(d) BEST PRACTICES COORDINATION.—The Secretary shall—

''(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act; and

''(2) evaluate and disseminate information regarding best practices and identify knowledge gaps.''.

SEC. 442. EVALUATIONS.

Section 172 (29 U.S.C. 2917) is amended—

(1) in subsection (a), by striking ''the Secretary shall provide for the continuing evaluation of the programs and activities, including those programs and activities carried out under section 171'' and inserting ''the Secretary, through grants, contracts, or cooperative agreements, shall conduct, at least once every 5 years, an independent evaluation of the programs and activities funded under this Act'';

(2) by amending subsection (a)(4) to read as follows:

''(4) the impact of receiving services and not receiving services under such programs and activities on the community, businesses, and individuals;'';

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

''(c) TECHNIQUES.—Evaluations conducted under this section shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies, quasi-experimental methods, impact analysis and the use of administrative data. The Secretary shall conduct an impact analysis, as described in subsection (a)(4), of the formula grant program under subtitle B not later than 2016, and thereafter shall conduct such an analysis not less than once every 4 years.'';

(4) in subsection (e), by striking ''the Committee on Labor and Human Resources of the Senate'' and inserting ''the Committee on Health, Education, Labor, and Pensions of the Senate'';

(5) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

''(f) REDUCTION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR LATE REPORTING.—If a report required to be transmitted to Congress under this section is not transmitted on or before the time period specified for that report, amounts authorized to be appropriated under this title shall be reduced by 10 percent for the fiscal year that begins after the date on which the final report required under this section is required to be transmitted and reduced by an additional 10 percent each subsequent fiscal year until each such report is transmitted to Congress.''; and

(6) by adding at the end, the following:

''(h) PUBLIC AVAILABILITY.—The results of the evaluations conducted under this section shall be made publicly available, including by posting such results on the Department's website.''.

CHAPTER 5—ADMINISTRATION

SEC. 446. REQUIREMENTS AND RESTRICTIONS.

Section 181 (29 U.S.C. 2931) is amended—

(1) in subsection (b)(6), by striking '', including representatives of businesses and of labor organizations,'';

(2) in subsection (c)(2)(A), in the matter preceding clause (i), by striking ''shall'' and inserting ''may'';

(3) in subsection (e)—

(A) by striking ''training for'' and inserting ''the entry into employment, retention in employment, or increases in earnings of''; and

(B) by striking ''subtitle B'' and inserting ''this Act'';

(4) in subsection (f)(4), by striking ''134(a)(3)(B)'' and inserting ''133(a)(4)''; and

(5) by adding at the end the following:

''(g) SALARY AND BONUS LIMITATION.—

''(1) IN GENERAL.—No funds provided under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the rate prescribed in level II of the Executive Schedule under section 5315 of title 5, United States Code.

''(2) VENDORS.—The limitation described in paragraph (1) shall not apply to vendors providing goods and services as defined in OMB Circular A–133.

''(3) LOWER LIMIT.—In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in paragraph (1) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

''(h) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Employment and Training Administration of the Department of Labor (referred to in this Act as the 'Administration') shall administer all programs authorized under title I and the Wagner-Peyser Act (29 U.S.C. 49 et seq.). The Administration shall be headed by an Assistant Secretary appointed by the President by and with the advice and consent of the Senate. Except for title II and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Administration shall be the principal agency, and the Assistant Secretary shall be the principal officer, of such Department for carrying out this Act.

''(2) QUALIFICATIONS.—The Assistant Secretary shall be an individual with substantial experience in workforce development and in workforce development management. The Assistant Secretary shall also, to the maximum extent possible, possess knowledge and have worked in or with the State or local workforce investment system or have been a member of the business community.

''(3) FUNCTIONS.—In the performance of the functions of the office, the Assistant Secretary shall be directly responsible to the Secretary or the Deputy Secretary of Labor, as determined by the Secretary. The functions of the Assistant Secretary shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Assistant Secretary. Any reference in this Act to duties to be carried out by the Assistant Secretary shall be considered to be a reference to duties to be carried out by the Secretary acting through the Assistant Secretary.''.

SEC. 447. PROMPT ALLOCATION OF FUNDS.

Section 182 (29 U.S.C. 2932) is amended—

(1) in subsection (c)—

(A) by striking ''127 or''; and

(B) by striking '', except that'' and all that follows and inserting a period; and

(2) in subsection (e)—

(A) by striking ''sections 128 and 133'' and inserting ''section 133''; and

(B) by striking ''127 or''.

SEC. 448. FISCAL CONTROLS; SANCTIONS.

Section 184(a)(2) (29 U.S.C. 2934(a)(2)) is amended—

(1) by striking ''(A)'' and all that follows through ''Each'' and inserting ''Each''; and

(2) by striking subparagraph (B).

SEC. 449. REPORTS TO CONGRESS.

Section 185 (29 U.S.C. 2935) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) shall have the option to submit or disseminate electronically any reports, records, plans, or other data that are required to be collected or disseminated under this title.''; and

(2) in subsection (e)(2), by inserting ''and the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate,'' after ''Secretary,''.

SEC. 450. ADMINISTRATIVE PROVISIONS.

Section 189 (29 U.S.C. 2939) is amended—

(1) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on October 1 in the fiscal year for which the appropriation is made.''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking ''each State'' and inserting ''each recipient (except as otherwise provided in this paragraph)''; and

(ii) in the second sentence, by striking ''171 or'';

(2) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by redesignating paragraph (4) as paragraph (2);

(C) by amending paragraph (2)(A), as so redesignated—

(i) in clause (i), by striking ''; and'' and inserting a period at the end;

(ii) by striking ''requirements of subparagraph (B)'' and all that follows through ''any of the statutory or regulatory requirements of subtitle B'' and inserting ''requirements of subparagraph (B) or (D), any of the statutory or regulatory requirements of subtitle B''; and

(iii) by striking clause (ii); and

(D) by adding at the end the following:

''(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—The Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B), in lieu of requiring the additional States to meet the requirements of subparagraphs (B) and (C). Such procedure shall ensure that the extension of such a waiver to additional States is accompanied by appropriate conditions relating to the implementation of such waiver.

''(E) EXTERNAL CONDITIONS.—The Secretary shall not require or impose new or additional requirements, that are not specified under this Act, on a State in exchange for providing a waiver to the State or a local area in the State under this paragraph.''.

SEC. 451. STATE LEGISLATIVE AUTHORITY.

Section 191(a) (29 U.S.C. 2941(a)) is amended—

(1) by striking ''consistent with the provisions of this title'' and inserting ''consistent with State law and the provisions of this title''; and

(2) by striking ''consistent with the terms and conditions required under this title'' and inserting ''consistent with State law and the terms and conditions required under this title''.

SEC. 452. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended—

(1) in paragraph (7), by inserting at the end the following:

''(D) Funds received under a program by a public or private nonprofit entity that are not described in subparagraph (B), such as funds privately raised from philanthropic foundations, businesses, or other private entities, shall not be considered to be income under this title and shall not be subject to the requirements of this paragraph.'';

(2) by striking paragraph (9);

(3) by redesignating paragraphs (10) through (13) as paragraphs (9) through (12), respectively; and

(4) by adding at the end the following new paragraphs:

''(13) Funds provided under this title shall not be used to establish or operate standalone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)), except that for purposes of this paragraph, such an enterprise does not include a one-stop center.

''(14) Any report required to be submitted to Congress, or to a Committee of Congress, under this title shall be submitted to both the chairmen and ranking minority members of the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 453. FEDERAL AGENCY STAFF AND RESTRICTIONS ON POLITICAL AND LOBBYING ACTIVITIES.

Subtitle E of title I (29 U.S.C. 2931 et seq.) is amended by adding at the end the following new sections:

''SEC. 196. FEDERAL AGENCY STAFF.

''The Director of the Office of Management and Budget shall—

''(1) not later than 60 days after the date of the enactment of the SKILLS Act—

''(A) identify the number of Federal government employees who, on the day before the date of enactment of the SKILLS Act, worked on or administered each of the programs and activities that were authorized under this Act or were authorized under a provision listed in section ___71 of the SKILLS Act; and

''(B) identify the number of full-time equivalent employees who on the day before that date of enactment, worked on or administered each of the programs and activities described in subparagraph (A), on functions for which the authorizing provision has been repealed, or for which an amount has been consolidated (if such employee is in a duplicate position), on or after such date of enactment;

''(2) not later than 90 after such date of enactment, publish the information described in paragraph (1) on the Office of Management and Budget website; and

''(3) not later than 1 year after such date of enactment—

''(A) reduce the workforce of the Federal Government by the number of full-time equivalent employees identified under paragraph (1)(B); and

''(B) submit to Congress a report on how the Director carried out the requirements of subparagraph (A).

''SEC. 197. RESTRICTIONS ON LOBBYING AND POLITICAL ACTIVITIES.

''(a) LOBBYING RESTRICTIONS.—

''(1) PUBLICITY RESTRICTIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no funds provided under this Act shall be used or proposed for use, for—

''(i) publicity or propaganda purposes; or

''(ii) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to—

''(i) normal and recognized executive-legislative relationships;

''(ii) the preparation, distribution, or use of the materials described in subparagraph (A)(ii) in presentation to the Congress or any State or local legislature or legislative body (except that this subparagraph does not apply with respect to such preparation, distribution, or use in presentation to the executive branch of any State or local government); or

''(iii) such preparation, distribution, or use of such materials, that are designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

''(2) SALARY PAYMENT RESTRICTION.—No funds provided under this Act shall be used, or proposed for use, to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before the Congress or any State government, or a State or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

''(b) POLITICAL RESTRICTIONS.—

''(1) IN GENERAL.—No funds received by a participant of a program or activity under this Act shall be used for—

''(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

''(B) any activity to provide voters with transportation to the polls or similar assistance in connection with any such election.

''(2) RESTRICTION ON VOTER REGISTRATION ACTIVITIES.—No funds under this Act shall be used to conduct voter registration activities.

''(3) DEFINITION.—For the purposes of this subsection, the term 'participant' includes any State, local area, or government, nonprofit, or for-profit entity receiving funds under this Act.''.

CHAPTER 6—STATE UNIFIED PLAN

SEC. 456. STATE UNIFIED PLAN.

Section 501 (20 U.S.C. 9271) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL AUTHORITY.—The Secretary shall receive and approve State unified plans developed and submitted in accordance with this section.'';

(2) by amending subsection (b) to read as follows:

''(b) STATE UNIFIED PLAN.—

''(1) IN GENERAL.—A State may develop and submit to the Secretary a State unified plan for 2 or more of the activities or programs set forth in paragraph (2). The State unified plan shall cover one or more of the activities or programs set forth in subparagraphs (A) and (B) of paragraph (2) and shall cover one or more of the activities or programs set forth in subparagraphs (C) through (N) of paragraph (2).

''(2) ACTIVITIES AND PROGRAMS.—For purposes of paragraph (1), the term 'activity or program' means any 1 of the following 14 activities or programs:

''(A) Activities and programs authorized under title I.

''(B) Activities and programs authorized under title II.

''(C) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).

''(D) Secondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(E) Postsecondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

''(F) Activities and programs authorized under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

''(G) Programs and activities authorized under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

''(H) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

''(I) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(J) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

''(K) Work programs authorized under section 6(o) of the Food and Nutrition Act of 1977 (7 U.S.C. 2015(o)).

''(L) Activities and programs authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(M) Activities and programs authorized under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

''(N) Activities authorized under chapter 41 of title 38, United States Code.'';

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

''(d) APPROVAL.—

''(1) JURISDICTION.—In approving a State unified plan under this section, the Secretary shall—

''(A) submit the portion of the State unified plan covering an activity or program described in subsection (b)(2) to the head of the Federal agency who exercises administrative authority over the activity or program for the approval of such portion by such Federal agency head; or

''(B) coordinate approval of the portion of the State unified plan covering an activity or program described in subsection (b)(2) with the head of the Federal agency who exercises administrative authority over the activity or program.

''(2) TIMELINE.—A State unified plan shall be considered to be approved by the Secretary at the end of the 90-day period beginning on the day the Secretary receives the plan, unless the Secretary makes a written determination, during the 90-day period, that details how the plan is not consistent with the requirements of the Federal statute authorizing an activity or program described in subsection (b)(2) and covered under the plan or how the plan is not consistent with the requirements of subsection (c)(3).

''(3) SCOPE OF PORTION.—For purposes of paragraph (1), the portion of the State unified plan covering an activity or program shall be considered to include the plan described in subsection (c)(3) and any proposal described in subsection (e)(2), as that part and proposal relate to the activity or program.''; and

(4) by adding at the end the following:

''(e) ADDITIONAL EMPLOYMENT AND TRAINING FUNDS.—

''(1) PURPOSE.—It is the purpose of this subsection to reduce inefficiencies in the administration of federally funded State and local employment and training programs.

''(2) IN GENERAL.—In developing a State unified plan for the activities or programs described in subsection (b)(2), and subject to paragraph (4) and to the State plan approval process under subsection (d), a State may propose to consolidate the amount, in whole or part, provided for the activities or programs covered by the plan into the Workforce Investment Fund under section 132(b) to improve the administration of State and local employment and training programs.

''(3) REQUIREMENTS.—A State that has a State unified plan approved under subsection (d) with a proposal for consolidation under paragraph (2), and that is carrying out such consolidation, shall—

''(A) in providing an activity or program for which an amount is consolidated into the Workforce Investment Fund—

''(i) continue to meet the program requirements, limitations, and prohibitions of any Federal statute authorizing the activity or program; and

''(ii) meet the intent and purpose for the activity or program; and

''(B) continue to make reservations and allotments under subsections (a) and (b) of section 133.

''(4) EXCEPTIONS.—A State may not consolidate an amount under paragraph (2) that is allocated to the State under—

''(A) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.); or

''(B) title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).''.

Subtitle B—Adult Education and Family Literacy Education

SEC. 461. AMENDMENT.

Title II (20 U.S.C. 9201 et seq.) is amended to read as follows:

''TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Adult Education and Family Literacy Education Act'.

''SEC. 202. PURPOSE.

''It is the purpose of this title to provide instructional opportunities for adults seeking to improve their literacy skills, including their basic reading, writing, speaking, and mathematics skills, and support States and local communities in providing, on a voluntary basis, adult education and family literacy education programs, in order to—

''(1) increase the literacy of adults, including the basic reading, writing, speaking, and mathematics skills, to a level of proficiency necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

''(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

''(3) assist adults who are parents to enable them to support the educational development of their children and make informed choices regarding their children's education including, through instruction in basic reading, writing, speaking, and mathematics skills; and

''(4) assist adults who are not proficient in English in improving their reading, writing, speaking, listening, comprehension, and mathematics skills.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ADULT EDUCATION AND FAMILY LITERACY EDUCATION PROGRAMS.—The term 'adult education and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak English and perform mathematical computations leading to a level of proficiency equivalent to at least a secondary school completion that is provided for individuals—

''(A) who are at least 16 years of age;

''(B) who are not enrolled or required to be enrolled in secondary school under State law; and

''(C) who—

''(i) lack sufficient mastery of basic reading, writing, speaking, and mathematics skills to enable the individuals to function effectively in society;

''(ii) do not have a secondary school diploma or its equivalent and have not achieved an equivalent level of education; or

''(iii) are English learners.

''(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

''(A) means the primary entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

''(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

''(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means an organization of demonstrated effectiveness that is—

''(A) a local educational agency;

''(B) a community-based or faith-based organization;

''(C) a volunteer literacy organization;

''(D) an institution of higher education;

''(E) a public or private educational agency;

''(F) a library;

''(G) a public housing authority;

''(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education, basic skills, and family literacy education programs to adults and families; or

''(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

''(4) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term 'English language acquisition program' means a program of instruction—

''(A) designed to help English learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

''(B) that may lead to—

''(i) attainment of a secondary school diploma or its recognized equivalent;

''(ii) transition to success in postsecondary education and training; and

''(iii) employment or career advancement.

''(5) FAMILY LITERACY EDUCATION PROGRAM.—The term 'family literacy education program' means an educational program that—

''(A) assists parents and students, on a voluntary basis, in achieving the purpose of this title as described in section 202; and

''(B) is of sufficient intensity in terms of hours and of sufficient quality to make sustainable changes in a family, is evidence-based, and, for the purpose of substantially increasing the ability of parents and children to read, write, and speak English, integrates—

''(i) interactive literacy activities between parents and their children;

''(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

''(iii) parent literacy training that leads to economic self-sufficiency; and

''(iv) an age-appropriate education to prepare children for success in school and life experiences.

''(6) GOVERNOR.—The term 'Governor' means the chief executive officer of a State or outlying area.

''(7) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(8) ENGLISH LEARNER.—The term 'English learner' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language.

''(9) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means services that provide adult education and literacy activities contextually and concurrently with workforce preparation activities and workforce training for a specific occupation or occupational cluster. Such services may include offering adult education services concurrent with postsecondary education and training, including through co-instruction.

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

''(11) LITERACY.—The term 'literacy' means an individual's ability to read, write, and speak in English, compute, and solve problems at a level of proficiency necessary to obtain employment and to successfully make the transition to postsecondary education.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given the term in section 101 of this Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(17) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(18) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the

workforce through the improvement of reading, writing, speaking, and mathematics skills.

"SEC. 204. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in adult education and family literacy education activities under this title.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title, $606,294,933 for fiscal year 2015 and for each of the 6 succeeding fiscal years.

"Subtitle A—Federal Provisions

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

''(a) RESERVATION OF FUNDS.—From the sums appropriated under section 205 for a fiscal year, the Secretary shall reserve 2.0 percent to carry out section 242.

''(b) GRANTS TO ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

''(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

''(c) ALLOTMENTS.—

''(1) INITIAL ALLOTMENTS.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

''(A) $100,000, in the case of an eligible agency serving an outlying area; and

''(B) $250,000, in the case of any other eligible agency.

''(2) ADDITIONAL ALLOTMENTS.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is at least 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or its recognized equivalent; and

''(4) is not enrolled in secondary school.

''(e) SPECIAL RULE.—

''(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

''(2) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title until an agreement for the extension of United States education assistance under the Compact of Free Association for the Republic of Palau becomes effective.

''(f) HOLD-HARMLESS PROVISIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraph (2), for—

''(A) fiscal year 2015, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for fiscal year 2012 under this title; and

''(B) fiscal year 2016 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) RATABLE REDUCTION.—If, for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratable reduce the payments to all eligible agencies, as necessary.

''(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

''Programs and activities authorized under this title are subject to the performance accountability provisions described in paragraphs (2)(A) and (3) of section 136(b) and may, at a State's discretion, include additional indicators identified in the State plan approved under section 224.

"Subtitle B—State Provisions

"SEC. 221. STATE ADMINISTRATION.

''Each eligible agency shall be responsible for the following activities under this title:

''(1) The development, submission, implementation, and monitoring of the State plan.

''(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

''(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

"SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

''(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under this title for a fiscal year—

''(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

''(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

''(3) shall use not more than 5 percent of the grant funds, or $65,000, whichever is greater, for the administrative expenses of the eligible agency.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

''(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

''(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and family literacy education programs in the State.

''(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and family literacy education programs in a manner that is consistent with the purpose of this title.

"SEC. 223. STATE LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult education and family literacy education programs:

''(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

''(2) The provision of technical assistance to eligible providers of adult education and family literacy education programs, including for the development and dissemination of evidence based research instructional practices in reading, writing, speaking, mathematics, and English language acquisition programs.

''(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

''(4) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.

''(5) The provision of technology assistance, including staff training, to eligible providers of adult education and family literacy education programs, including distance education activities, to enable the eligible providers to improve the quality of such activities.

''(6) The development and implementation of technology applications or distance education, including professional development to support the use of instructional technology.

''(7) Coordination with other public programs, including programs under title I of this Act, and other welfare-to-work, workforce development, and job training programs.

''(8) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and family literacy education programs, for adults enrolled in such activities.

''(9) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

''(10) Activities to promote workplace literacy programs.

''(11) Other activities of statewide significance, including assisting eligible providers in achieving progress in improving the skill levels of adults who participate in programs under this title.

''(12) Integration of literacy, instructional, and occupational skill training and promotion of linkages with employees.

''(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts,

in order to maximize the impact of the activities described in subsection (a).

''(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

''SEC. 224. STATE PLAN.

''(a) 3-YEAR PLANS.—

''(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 3-year State plan.

''(2) STATE UNIFIED PLAN.—The eligible agency may submit the State plan as part of a State unified plan described in section 501.

''(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

''(1) an objective assessment of the needs of individuals in the State or outlying area for adult education and family literacy education programs, including individuals most in need or hardest to serve;

''(2) a description of the adult education and family literacy education programs that will be carried out with funds received under this title;

''(3) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

''(4) a description of how the eligible agency will annually evaluate and measure the effectiveness and improvement of the adult education and family literacy education programs funded under this title using the indicators of performance described in section 136, including how the eligible agency will conduct such annual evaluations and measures for each grant received under this title;

''(5) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

''(6) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

''(7) a description of the process that will be used for public participation and comment with respect to the State plan, which—

''(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, and other State agencies that promote the improvement of adult education and family literacy education programs, and direct providers of such programs; and

''(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult education and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

''(8) a description of the eligible agency's strategies for serving populations that include, at a minimum—

''(A) low-income individuals;

''(B) individuals with disabilities;

''(C) the unemployed;

''(D) the underemployed; and

''(E) individuals with multiple barriers to educational enhancement, including English learners;

''(9) a description of how the adult education and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

''(10) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

''(A) how the State will build the capacity of community-based and faith-based organizations to provide adult education and family literacy education programs; and

''(B) how the State will increase the participation of business and industry in adult education and family literacy education programs;

''(11) an assessment of the adequacy of the system of the State or outlying area to ensure teacher quality and a description of how the State or outlying area will use funds received under this subtitle to improve teacher quality, including evidence-based professional development to improve instruction; and

''(12) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

''(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

''(d) CONSULTATION.—The eligible agency shall—

''(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

''(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

''(e) PLAN APPROVAL.—The Secretary shall—

''(1) approve a State plan within 90 days after receiving the plan unless the Secretary makes a written determination within 30 days after receiving the plan that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

''(2) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (1), to review the plan and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.

''SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

''(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

''(1) basic skills education;

''(2) special education programs as determined by the eligible agency;

''(3) reading, writing, speaking, and mathematics programs;

''(4) secondary school credit or diploma programs or their recognized equivalent; and

''(5) integrated education and training.

''(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

''(d) DEFINITIONS.—In this section:

''(1) CORRECTIONAL INSTITUTION.—The term 'correctional institution' means any—

''(A) prison;

''(B) jail;

''(C) reformatory;

''(D) work farm;

''(E) detention center; or

''(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

''(2) CRIMINAL OFFENDER.—The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.

''Subtitle C—Local Provisions

''SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

''(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multi-year grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult education and family literacy education programs within the State.

''(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate—

''(1) programs that provide adult education and literacy activities;

''(2) programs that provide integrated education and training activities; or

''(3) credit-bearing postsecondary coursework.

''(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

''(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

''(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

''(d) MEASURABLE GOALS.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

''(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance described in section 136(b)(2)(A);

''(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in exceeding its performance goals in the prior year;

''(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals with disabilities and individuals who are

low-income or have minimal reading, writing, speaking, and mathematics skills, or are English learners;

''(4) the program is of sufficient intensity and quality for participants to achieve substantial learning gains;

''(5) educational practices are evidence-based;

''(6) the activities of the eligible provider effectively employ advances in technology, and delivery systems including distance education;

''(7) the activities provide instruction in real-life contexts, including integrated education and training when appropriate, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

''(8) the activities are staffed by well-trained instructors, counselors, and administrators who meet minimum qualifications established by the State;

''(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, local workforce investment boards, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;

''(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

''(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 136) and to monitor program performance;

''(12) the local communities have a demonstrated need for additional English language acquisition programs, and integrated education and training programs;

''(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

''(14) adult education and family literacy education programs offer rigorous reading, writing, speaking, and mathematics content that are evidence based; and

''(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

''(e) SPECIAL RULE.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

''SEC. 232. LOCAL APPLICATION.

''Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

''(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

''(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and family literacy education programs; and

''(3) each of the demonstrations required by section 231(d).

''SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

''(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

''(1) at least 95 percent shall be expended for carrying out adult education and family literacy education programs; and

''(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and mathematics, and interagency coordination.

''(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

''Subtitle D—General Provisions

''SEC. 241. ADMINISTRATIVE PROVISIONS.

''Funds made available for adult education and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult education and family literacy education programs.

''SEC. 242. NATIONAL ACTIVITIES.

''The Secretary shall establish and carry out a program of national activities that may include the following:

''(1) Providing technical assistance to eligible entities, on request, to—

''(A) improve their fiscal management, research-based instruction, and reporting requirements to carry out the requirements of this title;

''(B) improve its performance on the core indicators of performance described in section 136;

''(C) provide adult education professional development; and

''(D) use distance education and improve the application of technology in the classroom, including instruction in English language acquisition for English learners.

''(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adult English learners functioning at different levels of reading proficiency.

''(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

''(4) Determining how participation in adult education, English language acquisition, and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

''(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult education, English language acquisition, and family literacy education programs.

''(6) Identifying model integrated basic and workplace skills education programs, including programs for English learners coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

''(7) Initiating other activities designed to improve the measurable quality and effectiveness of adult education, English language acquisition, and family literacy education programs nationwide.''.

Subtitle C—Amendments to the Wagner-Peyser Act

SEC. 466. AMENDMENTS TO THE WAGNER-PEYSER ACT.

Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended to read as follows:

''SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

''(a) SYSTEM CONTENT.—

''(1) IN GENERAL.—The Secretary of Labor (referred to in this section as the 'Secretary'), in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

''(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

''(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

''(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

''(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

''(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

''(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

''(i) shall be current and comprehensive;

''(ii) shall meet the needs identified through the consultations described in subparagraphs (C) and (D) of subsection (e)(1); and

''(iii) shall meet the needs for the information identified in section 121(e)(1)(E) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)(1)(E));

''(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

''(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

''(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

''(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

''(i) national, State, and local policymaking;

''(ii) implementation of Federal policies (including allocation formulas);

''(iii) program planning and evaluation; and

''(iv) researching labor market dynamics;

''(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

''(H) programs of—

''(i) training for effective data dissemination;

''(ii) research and demonstration; and

''(iii) programs and technical assistance.

''(2) INFORMATION TO BE CONFIDENTIAL.—

''(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

''(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

''(ii) disclose to the public any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning an individual subject to be reasonably inferred by either direct or indirect means; or

''(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i),

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

''(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

''(b) SYSTEM RESPONSIBILITIES.—

''(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

''(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

''(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

''(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

''(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

''(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

''(E) Establish procedures for the system to ensure that—

''(i) such data and information are timely;

''(ii) paperwork and reporting for the system are reduced to a minimum; and

''(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels.

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of work ready services described in section 134(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)(2)) and to provide workforce and labor market information to individuals through the one-stop delivery systems described in section 121 and through other appropriate delivery systems.

''(d) COORDINATION WITH THE STATES.—

''(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

''(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the Federal regions of the Bureau of Labor Statistics, elected (pursuant to a process established by the Secretary) from the State directors affiliated with State agencies that perform the duties described in subsection (e)(1).

''(e) STATE RESPONSIBILITIES.—

''(1) IN GENERAL.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

''(A) be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system;

''(B) establish a process for the oversight of such system;

''(C) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

''(D) consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;

''(E) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

''(F) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

''(G) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

''(H) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

''(I) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

''(J) participate in the development of, and submit to the Secretary, an annual plan to carry out the requirements and authorities of this subsection; and

''(K) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(f)(2)) to assist the State and other States in measuring State progress on State performance measures.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a Governor to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

''(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,153,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

Subtitle D—Repeals and Conforming Amendments

SEC. 471. REPEALS.

The following provisions are repealed:

(1) Chapter 4 of subtitle B of title I, and sections 123, 155, 166, 167, 168, 169, 171, 173, 173A, 174, 192, 194, 502, 503, and 506 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of the SKILLS Act.

(2) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(3) Sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(4) The Twenty-First Century Workforce Commission Act (29 U.S.C. 2701 note).

(5) Public Law 91–378, 16 U.S.C. 1701 et seq. (popularly known as the ''Youth Conservation Corps Act of 1970'').

(6) Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151).

(7) The Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.).

(8) Sections 4103A and 4104 of title 38, United States Code.

SEC. 472. AMENDMENTS TO OTHER LAWS.

(a) AMENDMENTS TO THE FOOD AND NUTRITION ACT OF 2008.—

(1) DEFINITION.—Section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)) is amended—

(A) by striking ''means (1) the agency'' and inserting the following: ''means—

''(A) the agency'';

(B) by striking ''programs, and (2) the tribal'' and inserting the following: ''programs;

''(B) the tribal''; and

(C) by striking ''this Act.'' and inserting the following: ''this Act; and

''(C) in the context of employment and training activities under section 6(d)(4), a State board as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).''.

(2) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (d)(14) by striking ''section 6(d)(4)(I)'' and inserting ''section 6(d)(4)(C)'', and

(B) in subsection (g)(3), in the first sentence, by striking ''constitutes adequate participation in an employment and training program under section 6(d)'' and inserting ''allows the individual to participate in employment and training activities under section 6(d)(4)''.

(3) ELIGIBILITY DISQUALIFICATIONS.—Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended to read as follows:

''(D) EMPLOYMENT AND TRAINING.—

''(i) IMPLEMENTATION.—Each State agency shall provide employment and training services authorized under section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) to eligible members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

''(ii) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—Consistent with subparagraph (A), employment and training services shall be provided through the statewide workforce development system, including the one-stop delivery system authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(iii) REIMBURSEMENTS.—

''(I) ACTUAL COSTS.—The State agency shall provide payments or reimbursement to participants served under this paragraph for—

''(aa) the actual costs of transportation and other actual costs (other than dependent care costs) that are reasonably necessary and directly related to the individual participating in employment and training activities; and

''(bb) the actual costs of such dependent care expenses as are determined by the State agency to be necessary for the individual to participate in employment and training activities (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of that Act is in operation), except that no such payment or reimbursement shall exceed the applicable local market rate.

''(II) SERVICE CONTRACTS AND VOUCHERS.—In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at the option of the State agency, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

''(III) VALUE OF REIMBURSEMENTS.—The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

''(aa) not be treated as income for the purposes of any other Federal or federally assisted program that bases eligibility for, or the amount of benefits on, need; and

''(bb) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of the Internal Revenue Code of 1986 (26 U.S.C. 21).''.

(4) ADMINISTRATION.—Section 11(e)(19) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(11) is amended to read as follows:

''(S) the plans of the State agency for providing employment and training services under section 6(d)(4);''.

(5) ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''carry out employment and training programs'' and inserting ''provide employment and training services to eligible households under section 6(d)(4)''; and

(ii) in subparagraph (D), by striking ''operating an employment and training program'' and inserting ''providing employment and training services consistent with section 6(d)(4)'';

(B) in paragraph (3)—

(i) by striking ''participation in an employment and training program'' and inserting ''the individual participating in employment and training activities''; and

(ii) by striking ''section 6(d)(4)(I)(i)(II)'' and inserting ''section 6(d)(4)(C)(i)(II)'';

(C) in paragraph (4), by striking ''for operating an employment and training program'' and inserting ''to provide employment and training services''; and

(D) by striking paragraph (5) and inserting the following:

''(E) MONITORING.—

''(i) IN GENERAL.—The Secretary, in conjunction with the Secretary of Labor, shall monitor each State agency responsible for administering employment and training services under section 6(d)(4) to ensure funds are being spent effectively and efficiently.

''(ii) ACCOUNTABILITY.—Each program of employment and training receiving funds under section 6(d)(4) shall be subject to the requirements of the performance accountability system, including having to meet the State performance measures described in section 136 of the Workforce Investment Act (29 U.S.C. 2871).''.

(6) RESEARCH, DEMONSTRATION, AND EVALUATIONS.—Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)(iv)(III)(dd), by striking '', (4)(F)(i), or (4)(K)'' and inserting ''or (4)''; and

(ii) by striking paragraph (3); and

(B) in subsection (g), in the first sentence in the matter preceding paragraph (1)—

(i) by striking ''programs established'' and inserting ''activities provided to eligible households''; and

(ii) by inserting '', in conjunction with the Secretary of Labor,'' after ''Secretary''.

(7) MINNESOTA FAMILY INVESTMENT PROJECT.—Section 22(b)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(4)) is amended by striking ''equivalent to those offered under the employment and training program''.

(b) AMENDMENTS TO SECTION 412 OF THE IMMIGRATION AND NATIONALITY ACT.—

(1) CONDITIONS AND CONSIDERATIONS.—Section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking ''make available sufficient resources for employment training and placement'' and inserting ''provide refugees with the opportunity to access employment and training services, including job placement,''; and

(ii) in subparagraph (B)(ii), by striking ''services;'' and inserting ''services provided through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);'';

(B) in paragraph (2)(C)(iii)(II), by inserting ''and training'' after ''employment'';

(C) in paragraph (6)(A)(ii)—

(i) by striking ''insure'' and inserting ''ensure'';

(ii) by inserting ''and training'' after ''employment''; and

(iii) by inserting after ''available'' the following: ''through the one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841)''; and

(D) in paragraph (9), by inserting ''the Secretary of Labor,'' after ''Education,''.

(2) PROGRAM OF INITIAL RESETTLEMENT.—Section 412(b)(2) of such Act (8 U.S.C. 1522(b)(2)) is amended—

(A) by striking ''orientation, instruction'' and inserting ''orientation and instruction''; and

(B) by striking '', and job training for refugees, and such other education and training of refugees, as facilitates'' and inserting ''for refugees to facilitate''.

(3) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—Section 412(c) of such Act (8 U.S.C. 1522(c)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by inserting ''and training'' after ''employment''; and

(ii) by striking subparagraph (C);

(B) in paragraph (2)(B), by striking ''paragraph—'' and all that follows through ''in a manner'' and inserting ''paragraph in a manner''; and

(C) by adding at the end the following:

''(C) In carrying out this section, the Director shall ensure that employment and training services are provided through the statewide workforce development system, as appropriate, authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.). Such action may include—

''(i) making employment and training activities described in section 134 of such Act (29 U.S.C. 2864) available to refugees; and

''(ii) providing refugees with access to a one-stop delivery system established under section 121 of such Act (29 U.S.C. 2841).''.

(4) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—Section 412(e) of such Act (8 U.S.C. 1522(e)) is amended—

(A) in paragraph (2)(A)(i), by inserting ''and training'' after ''providing employment''; and

(B) in paragraph (3), by striking ''The'' and inserting ''Consistent with subsection (c)(3), the''.

(c) AMENDMENTS RELATING TO THE SECOND CHANCE ACT OF 2007.—

(1) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended—

(A) in subsection (a)(1)(E)—

(i) by inserting ''the Department of Labor and'' before ''other Federal agencies''; and

(ii) by inserting ''State and local workforce investment boards,'' after ''community-based organizations,'';

(B) in subsection (c)—

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

(ii) in paragraph (3), by striking at the end the period and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(D) to coordinate reentry programs with the employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.).''; and

(C) in subsection (d), by adding at the end the following new paragraph:

''(F) INTERACTION WITH THE WORKFORCE INVESTMENT SYSTEM.—

''(i) IN GENERAL.—In carrying out this section, the Director shall ensure that employment and training services, including such employment and services offered through reentry programs, are provided, as appropriate, through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), which may include—

''(I) making employment and training services available to prisoners prior to and immediately following the release of such prisoners; or

''(II) providing prisoners with access by remote means to a one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) in the State in which the prison involved is located.

''(ii) SERVICE DEFINED.—In this paragraph, the term 'employment and training services' means those services described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) offered by the Bureau of Prisons, including—

''(I) the skills assessment described in subsection (a)(1)(A);

''(II) the skills development plan described in subsection (a)(1)(B); and

''(III) the enhancement, development, and implementation of reentry and skills development programs.''.

(2) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(A) by redesignating subparagraphs (D) and (E), as added by section 231(d)(1)(C) of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 685), as paragraphs (6) and (7), respectively, and adjusting the margin accordingly;

(B) in paragraph (6), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly;

(C) in paragraph (7), as so redesignated—

(i) in clause (ii), by striking ''Employment'' and inserting ''Employment and training services (as defined in paragraph (6) of section 231(d) of the Second Chance Act of 2007), including basic skills attainment, consistent with such paragraph''; and

(ii) by striking clause (iii); and

(D) by redesignating clauses (i), (ii), (iv), (v), (vi), and (vii) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively, and adjusting the margin accordingly.

(d) AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''vocational'' and inserting ''career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and training'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

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

''(D) coordinating employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841), for offenders upon release from prison, jail, or a juvenile facility, as appropriate;'';

(2) in subsection (d)(2), by inserting '', including local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832),'' after ''nonprofit organizations'';

(3) in subsection (e)—

(A) in paragraph (3), by striking ''victims services, and employment services'' and inserting ''and victim services'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

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

''(D) provides employment and training services through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841);''; and

(4) in subsection (k)—

(A) in paragraph (1)(A), by inserting '', in accordance with paragraph (2)'' after ''under this section'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph:

''(B) EMPLOYMENT AND TRAINING.—The Attorney General shall require each grantee under this section to measure the core indicators of performance as described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)) with respect to the program of such grantee funded with a grant under this section.''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended—

(1) in section 3672(d)(1), by striking ''disabled veterans' outreach program specialists under section 4103A'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998'';

(2) in the table of sections at the beginning of chapter 41, by striking the items relating to sections 4103A and 4104;

(3) in section 4102A—

(A) in subsection (b)—

(i) by striking paragraphs (5), (6), and (7); and

(ii) by redesignating paragraph (8) as paragraph (5);

(B) by striking subsections (c) and (h);

(C) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f); and

(D) in subsection (e)(1) (as so redesignated)—

(i) by striking '', including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State''; and

(ii) by striking ''for purposes of subsection (c)'';

(4) in section 4104A—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(i) the appropriate veteran employment specialist (in carrying out the functions described in section 134(f) of the Workforce Investment Act of 1998);''; and

(B) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(i) collaborate with the appropriate veteran employment specialist (as described in section 134(f)) and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));'';

(5) in section 4109—

(A) in subsection (a), by striking ''disabled veterans' outreach program specialists and local veterans' employment representative'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) in subsection (d)(1), by striking ''disabled veterans' outreach program specialists and local veterans' employment representatives'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(6) in section 4112(d)—

(A) in paragraph (1), by striking ''disabled veterans' outreach program specialist'' and inserting ''veteran employment specialist appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(f) COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—Section 104(k)(6)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(A)) is amended by striking ''training, research, and'' and inserting ''research and''.

SEC. 473. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1(b) is amended to read as follows:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Subtitle E—Amendments to the Rehabilitation Act of 1973

SEC. 476. FINDINGS.

Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(7) there is a substantial need to improve and expand services for students with disabilities under this Act.''.

SEC. 477. REHABILITATION SERVICES ADMINISTRATION.

(a) REHABILITATION SERVICES ADMINISTRATION.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(1) in section 3(a) (29 U.S.C. 702(a))—

(A) by striking ''Office of the Secretary'' and inserting ''Department of Education'';

(B) by striking ''President by and with the advice and consent of the Senate'' and inserting ''Secretary''; and

(C) by striking '', and the Commissioner shall be the principal officer,'';

(2) by striking ''Commissioner'' each place it appears (except in section 21) and inserting ''Director'';

(3) in section 12(c) (29 U.S.C. 709(c)), by striking ''Commissioner's'' and inserting ''Director's'';

(4) in section 21 (29 U.S.C. 718)—

(A) in subsection (b)(1)—

(i) by striking ''Commissioner'' the first place it appears and inserting ''Director of the Rehabilitation Services Administration'';

(ii) by striking ''(referred to in this subsection as the 'Director')''; and

(iii) by striking ''The Commissioner and the Director'' and inserting ''Both such Directors''; and

(B) by striking ''the Commissioner and the Director'' each place it appears and inserting ''both such Directors'';

(5) in the heading for subparagraph (B) of section 100(d)(2) (29 U.S.C. 720(d)(2)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR'';

(6) in section 401(a)(1) (29 U.S.C. 781(a)(1)), by inserting ''of the National Institute on Disability and Rehabilitation Research'' after ''Director'';

(7) in the heading for section 706 (29 U.S.C. 796d–1), by striking ''**COMMISSIONER**'' and inserting ''**DIRECTOR**''; and

(8) in the heading for paragraph (3) of section 723(a) (29 U.S.C. 796f–2(a)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to the appointments of Directors of the Rehabilitation Services Administration made on or after the date of enactment of this Act, and the Directors so appointed.

SEC. 478. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) by redesignating paragraphs (35) through (39) as paragraphs (36) through (40), respectively;

(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated by paragraph (1)), by striking ''paragraph (36)(C)'' and inserting ''paragraph (37)(C)''; and

(3) by inserting after paragraph (34) the following:

''(35)(A) The term 'student with a disability' means an individual with a disability who—

''(i) is not younger than 16 and not older than 21;

''(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

''(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) The term 'students with disabilities' means more than 1 student with a disability.''.

SEC. 479. CARRYOVER.

Section 19(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 716(a)(1)) is amended by striking ''part B of title VI,''.

SEC. 480. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended, in paragraphs (1) and (2)(A) of subsection (b), and in subsection (c), by striking ''VI,''.

SEC. 481. STATE PLAN.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)—

(A) in subparagraph (B), by striking ''on the eligible individuals'' and all that follows and inserting ''of information necessary to assess the State's performance on the core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)).''; and

(B) in subparagraph (E)(ii), by striking '', to the extent the measures are applicable to individuals with disabilities'';

(2) in paragraph (11)—

(A) in subparagraph (D)(i), by inserting before the semicolon the following: '', which may be provided using alternative means of meeting participation (such as participation through video conferences and conference calls)''; and

(B) by adding at the end the following:

''(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit and the lead agency or implementing entity responsible for carrying out duties under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) have developed working relationships and coordinate their activities.'';

(3) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by adding ''and'' at the end; and

(III) by adding at the end the following:

''(IV) students with disabilities, including their need for transition services;'';

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), about the extent to which those 2 types of services meet the needs of individuals with disabilities;'';

(B) in subparagraph (B)(ii), by striking ''and under part B of title VI''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(ii) by inserting after clause (ii) the following:

''(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title or to postsecondary education or employment;''; and

(iii) in clause (v), as redesignated by clause (i) of this subparagraph, by striking ''evaluation standards'' and inserting ''performance standards'';

(4) in paragraph (22)—

(A) in the paragraph heading, by striking ''STATE PLAN SUPPLEMENT'';

(B) by striking ''carrying out part B of title VI, including''; and

(C) by striking ''that part to supplement funds made available under part B of'';

(5) in paragraph (24)—

(A) in the paragraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(B) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(ii) by striking ''part A of title VI'' and inserting ''section 109A''; and

(6) by adding at the end the following:

''(25) COLLABORATION WITH INDUSTRY.—The State plan shall describe how the designated State agency will carry out the provisions of section 109A, including—

''(A) the criteria such agency will use to award grants under such section; and

''(B) how the activities carried out under such grants will be coordinated with other services provided under this title.

''(26) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance satisfactory to the Secretary that the State—

''(A) has developed and implemented strategies to address the needs identified in the assessments described in paragraph (15), and achieve the goals and priorities identified by the State in that paragraph, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

''(B) from funds reserved under section 110A, shall carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

''(i) facilitate the transition of students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

''(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through participation (as appropriate when career goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(iii) provide career guidance, career exploration services, job search skills and strategies, and technical assistance to students with disabilities;

''(iv) support the provision of training and technical assistance to State and local educational agencies and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

''(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.''.

SEC. 482. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment involved, including services described in clauses (i) through (iii) of section 101(a)(26)(B);'';

(2) in subsection (b), by striking paragraph (6) and inserting the following:

''(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

''(ii) Training and technical assistance described in section 101(a)(26)(B)(iv).

''(B) Services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(26)(B), to assist in the transition from school to post-school activities.''; and

(3) in subsection (b), by inserting at the end the following:

''(7) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.''.

SEC. 483. STANDARDS AND INDICATORS.

(a) IN GENERAL.—Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in the section heading, by striking ''**EVALUATION STANDARDS**'' and inserting ''**PERFORMANCE STANDARDS**'';

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

''(a) STANDARDS AND INDICATORS.—The performance standards and indicators for the vocational rehabilitation program carried out under this title—

''(1) shall be subject to paragraphs (2)(A) and (3) of section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

''(2) may, at a State's discretion, include additional indicators identified in the State plan submitted under section 101.''; and

(3) in subsection (b)(2)(B), by striking clause (i) and inserting the following:

''(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Director, direct the State to make revisions to the plan to improve performance; and''.

(b) CONFORMING AMENDMENTS.—Section 107 of the Rehabilitation Act of 1973 (29 U.S.C. 727) is amended—

(1) in subsections (a)(1)(B) and (b)(2), by striking ''evaluation standards'' and inserting ''performance standards''; and

(2) in subsection (c)(1)(B), by striking ''an evaluation standard'' and inserting ''a performance standard''.

SEC. 484. EXPENDITURE OF CERTAIN AMOUNTS.

Section 108(a) of the Rehabilitation Act of 1973 (29 U.S.C. 728(a)) is amended by striking ''under part B of title VI, or''.

SEC. 485. COLLABORATION WITH INDUSTRY.

The Rehabilitation Act of 1973 is amended by inserting after section 109 (29 U.S.C. 728a) the following:

''SEC. 109A. COLLABORATION WITH INDUSTRY.

''(a) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means a for-profit business, alone or in partnership with one or more of the following:

''(1) Community rehabilitation program providers.

''(2) Indian tribes.

''(3) Tribal organizations.

''(b) AUTHORITY.—A State shall use not less than one-half of one percent of the payment the State receives under section 111 for a fiscal year to award grants to eligible entities to pay for the Federal share of the cost of carrying out collaborative programs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

''(c) AWARDS.—Grants under this section shall—

''(1) be awarded for a period not to exceed 5 years; and

''(2) be awarded competitively.

''(d) APPLICATION.—To receive a grant under this section, an eligible entity shall submit an application to a designated State agency at such time, in such manner, and containing such information as such agency shall require. Such application shall include, at a minimum—

''(1) a plan for evaluating the effectiveness of the collaborative program;

''(2) a plan for collecting and reporting the data and information described under subparagraphs (A) through (C) of section 101(a)(10), as determined appropriate by the designated State agency; and

''(3) a plan for providing for the non-Federal share of the costs of the program.

''(e) ACTIVITIES.—An eligible entity receiving a grant under this section shall use the grant funds to carry out a program that provides one or more of the following:

''(1) Job development, job placement, and career advancement services for individuals with disabilities.

''(2) Training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market.

''(3) Providing individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training.

''(f) ELIGIBILITY FOR SERVICES.—An individual shall be eligible for services provided under a program under this section if the individual is determined under section 102(a)(1) to be eligible for assistance under this title.

''(g) FEDERAL SHARE.—The Federal share for a program under this section shall not exceed 80 percent of the costs of the program.''.

SEC. 486. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

''SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

''Each State shall reserve not less than 10 percent of the funds allotted to the State under section 110(a) to carry out programs or activities under sections 101(a)(26)(B) and 103(b)(6).''.

SEC. 487. CLIENT ASSISTANCE PROGRAM.

Section 112(e)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 732(e)(1)) is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium under the Developmental Disabilities and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) to provide services in accordance with this section, as determined by the Secretary. The amount of such grants shall be the same as the amount provided to territories under this subsection.''.

SEC. 488. RESEARCH.

Section 204(a)(2)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 764(a)(2)(A)) is amended by striking ''VI,''.

SEC. 489. TITLE III AMENDMENTS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 771 et seq.) is amended—

(1) in section 301(a) (21 U.S.C. 771(a))—

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

(B) by striking paragraphs (3) and (4); and

(C) by redesignating paragraph (5) as paragraph (3);

(2) in section 302 (29 U.S.C. 772)—

(A) in subsection (g)—

(i) in the heading, by striking ''AND IN-SERVICE TRAINING''; and

(ii) by striking paragraph (3); and

(B) in subsection (h), by striking ''section 306'' and inserting ''section 304'';

(3) in section 303 (29 U.S.C. 773)—

(A) in subsection (b)(1), by striking ''section 306'' and inserting ''section 304''; and

(B) in subsection (c)—

(i) in paragraph (4)—

(I) by amending subparagraph (A)(ii) to read as follows:

''(ii) to coordinate activities and work closely with the parent training and information centers established pursuant to section 671 of the Individuals with Disabilities Education Act (20 U.S.C. 1471), the community parent resource centers established pursuant to section 672 of such Act (29 U.S.C. 1472), and the eligible entities receiving awards under section 673 of such Act (20 U.S.C. 1473); and''; and

(II) in subparagraph (C), by inserting '', and demonstrate the capacity for serving,'' after ''serve''; and

(ii) by adding at the end the following:

''(8) RESERVATION.—From the amount appropriated to carry out this subsection for a fiscal year, 20 percent of such amount or $500,000, whichever is less, shall be reserved to carry out paragraph (6).'';

(4) by striking sections 304 and 305 (29 U.S.C. 774, 775); and

(5) by redesignating section 306 (29 U.S.C. 776) as section 304.

SEC. 490. REPEAL OF TITLE VI.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is repealed.

SEC. 491. TITLE VII GENERAL PROVISIONS.

(a) PURPOSE.—Section 701(3) of the Rehabilitation Act of 1973 (29 U.S.C. 796(3)) is amended by striking ''State programs of supported employment services receiving assistance under part B of title VI,''.

(b) CHAIRPERSON.—Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. 492. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is further amended—

(1) in section 100 (29 U.S.C. 720)—

(A) in subsection (b)(1), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$3,066,192,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(B) in subsection (d)(1)(B), by striking ''2003'' and inserting ''2021'';

(2) in section 110(c) (29 U.S.C. 730(c)), by amending paragraph (2) to read as follows:

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2015 through 2020.'';

(3) in section 112(h) (29 U.S.C. 732(h)), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$11,600,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(4) by amending subsection (a) of section 201 (29 U.S.C. 761(a)) to read as follows: ''(a) There are authorized to be appropriated $103,125,000 for fiscal year 2015 and each of the 6 succeeding fiscal years to carry out this title.'';

(5) in section 302(i) (29 U.S.C. 772(i)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$33,657,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(6) in section 303(e) (29 U.S.C. 773(e)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$5,046,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(7) in section 405 (29 U.S.C. 785), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$3,081,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(8) in section 502(j) (29 U.S.C. 792(j)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$7,013,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(9) in section 509(l) (29 U.S.C. 794e(l)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$17,088,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(10) in section 714 (29 U.S.C. 796e–3), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$22,137,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(11) in section 727 (29 U.S.C. 796f–6), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$75,772,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(12) in section 753 (29 U.S.C. 7961), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$32,239,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''.

SEC. 493. CONFORMING AMENDMENTS.

Section 1(b) of the Rehabilitation Act of 1973 is amended—

(1) by inserting after the item relating to section 109 the following:

''Sec. 109A. Collaboration with industry.'';

(2) by inserting after the item relating to section 110 the following:

''Sec. 110A. Reservation for expanded transition services.'';

(3) by striking the item related to section 304 and inserting the following:

''Sec. 304. Measuring of project outcomes and performance.'';

(4) by striking the items related to sections 305 and 306;

(5) by striking the items related to title VI; and

(6) by striking the item related to section 706 and inserting the following:

''Sec. 706. Responsibilities of the Director.''.

Subtitle F—Studies by the Comptroller General

SEC. 496. STUDY BY THE COMPTROLLER GENERAL ON EXHAUSTING FEDERAL PELL GRANTS BEFORE ACCESSING WIA FUNDS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) evaluates the effectiveness of subparagraph (B) of section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(B)) (as such subparagraph was in effect on the day before the date of enactment of this Act), including—

(A) a review of the regulations and guidance issued by the Secretary of Labor to State and local areas on how to comply with such subparagraph;

(B) a review of State policies to determine how local areas are required to comply with such subparagraph;

(C) a review of local area policies to determine how one-stop operators are required to comply with such subparagraph; and

(D) a review of a sampling of individuals receiving training services under section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) to determine if, before receiving such training services, such individuals have exhausted funds received through the Federal Pell Grant program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) makes appropriate recommendations with respect to the matters evaluated under paragraph (1).

SEC. 497. STUDY BY THE COMPTROLLER GENERAL ON ADMINISTRATIVE COST SAVINGS.

(a) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) determines the amount of administrative costs at the Federal and State levels for the most recent fiscal year for which satisfactory data are available for—

(A) each of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) or repealed under section __71, as such programs were in effect for such fiscal year; and

(B) each of the programs described in subparagraph (A) that have been repealed or consolidated on or after the date of enactment of this Act;

(2) determines the amount of administrative cost savings at the Federal and State levels as a result of repealing and consolidating programs by calculating the differences in the amount of administrative costs between subparagraph (A) and subparagraph (B) of paragraph (1); and

(3) estimates the administrative cost savings at the Federal and State levels for a fiscal year as a result of States consolidating amounts under section 501(e) of the Workforce Investment Act of 1998 (20 U.S.C. 9271(e)) to reduce inefficiencies in the administration of federally-funded State and local employment and training programs.

(b) DEFINITION.—For purposes of this section, the term ''administrative costs'' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

Subtitle G—Entrepreneurial Training

SEC. 499. ENTREPRENEURIAL TRAINING.

(a) SHORT TITLE.—This section may be cited as the ''Entrepreneurial Training Improvement Act of 2014''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall establish alternate standards for measuring the progress of State and local performance for entrepreneurial training services, as authorized in section 134(d)(4)(D)(vi) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(D)(vi)), and provide the State and local workforce investment boards with specific guidance on successful approaches to collecting performance information on entrepreneurial training services.

(2) CONSIDERATIONS.—In determining the alternate standards, the Secretary shall consider using standards based, for participants in such services, on—

(A) obtaining a State license, or a Federal or State tax identification number, for a corresponding business;

(B) documenting income from a corresponding business; or

(C) filing a Federal or State tax return for a corresponding business.

(3) AUTHORITIES.—In determining the alternate standards, the Secretary shall consider utilizing authorities granted under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including a State's waiver authority, as authorized in section 189(i)(4) of such Act (29 U.S.C. 2939(i)(4)).

(4) REPORT.—The Secretary shall prepare a report on the progress of State and local workforce investment boards in implementing new programs of entrepreneurial training services and any ongoing challenges to offering such programs, with recommendations on how best to address those challenges. Not later than 12 months after publication of the final regulations establishing the alternate standards, the Secretary shall submit the report to the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 29, 2014, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 29, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, on April 29, 2014, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Workers' Memorial Day: Are Existing Private Sector Whistleblower Protections Adequate To Ensure Safe Workplace?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 29, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 29, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that Committee on the Judiciary, the Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on April 29, 2014, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Law Enforcement Responses to Disabled Americans: Promising Approaches for Protecting Public Safety.''

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 427; S. Res. 428; and S. Res. 429.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Madam President, I ask unanimous consent that the resolutions be agreed to; the preambles, where applicable, be agreed to; and the motions to reconsider be laid on the table en bloc, with no interviewing action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, APRIL 30, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 30, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the time until noon be equally divided and controlled between the two leaders or their designees prior to the cloture vote on the motion to proceed to S. 2223, the Minimum Wage Fairness Act; further, that at 4 p.m. the Senate proceed to executive session to consider Calendar Nos. 585, 586, 587, 588, 589, and 590, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first rollcall vote will be at noon tomorrow. There will be additional votes at about 4 p.m. tomorrow afternoon.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn following the remarks by Senator MERKLEY and Senator HIRONO.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

The MINIMUM WAGE

Mr. MERKLEY. I rise in this Chamber to address an issue that is critical to working families across our Nation; that is, the Federal minimum wage.

First, I thank Senator TOM HARKIN for his leadership on this issue. He has advocated year after year, decade after decade that we need to ensure that we have an economy where workers fully participate in the fruits of their labor.

We should not have a society in which all of those fruits go simply to the very few at the expense of a fair wage for those who create that success. I thank Senator HARKIN for leading this fight over this extended period of time on behalf of working families.

He believes, as I believe, that we should measure the success of our Nation not by the growth of the GDP, not by having one eye on the Dow Jones and one eye on the S&P 500, we should measure the success by the success of our families. That is what this debate on the minimum wage is all about.

This issue matters a great deal to me because I come from a blue-collar family. My father was a mechanic. He employed those skills in a sawmill. He was the millwright, the person who keeps the machinery going so the plant can keep operating. When it is operating, there is work for the workers, and there is certainly success for the company. He went on to work as a mechanic in many other ways.

On that mechanic's wage, he was able to raise a family and participate fully in the American dream. He and my mother were able to buy a home. They could afford to take us camping. They could afford to save a little bit to help us be able to go to college. That is what happens when workers get to participate in the success of our economy.

A minimum wage is part of this story because it is the foundation and the benchmark that helps set wages throughout the economy.

In the time period after World War II, our economy grew quickly, our wages

grew quickly, and workers took those wages and they bought products, and that demand fueled further production, which put more people to work. It was an upward cycle.

But more recently we have had a philosophy imposed, advocated, and put forward by the top 1 percent that if all the growth in revenue comes to them, they will be the job makers. They will be the job creators and everyone else will thrive.

If there was ever a moment in U.S. history when the complete falseness of this philosophy was evident, it is right now, because from 2008 until now, 95 percent of the newly created wages have gone to the 1 percent, to the very top. So we should have more jobs than we know what to do with on the philosophy that has been advocated so recently on the floor of this Senate, that we should minimize the wages at the bottom to maximize the profits at the top.

That is a downward spiral for a very clear reason, and it is this: People don't make things in society if the middle class doesn't have the money in their pockets to buy them. If they don't have the money, they don't go to the restaurant, the restaurant doesn't hire the waiter, and the restaurant doesn't hire the dishwasher. It doesn't open a new outlet and employ more people.

There are certainly many factors that have contributed to shrinking paychecks for working Americans, but the declining purchasing power of the Federal minimum wage is a major factor.

The Federal minimum wage sets an important standard for how the contributions of working families are valued. The minimum wage sets a floor on wages. It is a benchmark not only for minimum wage workers but for our entire wage scale. When the minimum wage goes up, the value placed on working Americans all across the economy goes up.

In 1968, when I was 12 years old, the Federal minimum wage was equivalent in today's dollars to about $10.50, unlike the wage we have now which is $7.25. So the purchasing power has roughly dropped by one-third, and that is not to the benefit of the workers, that is not to the benefit of all of the small businesses that provide retail services that benefit when a worker can afford to buy those services.

Putting money into the pockets of minimum wage workers lifts millions of working families directly. It lifts millions more because of the indirect effect of providing more demand for products in the economy.

Today a worker who works 40 hours per week at the Federal minimum wage makes barely $15,000 per year. That puts a family of two below the poverty line. That is poverty despite the fact the mother is working full time 52 weeks a year. A family of three puts them further below the poverty line because of the additional expenses of taking care of a second child. That is wrong.

The more we look at the numbers, the more it becomes clear that the current minimum wage is insufficient to provide a foundation for a family. We need to raise the minimum wage because there is no way to support a family on $7.25 per hour, less than $15,000 per year.

A recent study estimated that a worker paid the Federal minimum wage in States as diverse as Minnesota, Texas, and Pennsylvania would have to work more than 90 hours per week to afford rent on a market-rate two-bedroom apartment—90 hours per week, more than two full-time jobs, 13 hours of work per day, Monday through Sunday. Imagine working from 9 a.m. to 10 p.m. on your feet, getting up, doing it day after day, week after week, and still you can't afford rent on a two-bedroom apartment—no breaks, no vacations, no sick days, no benefits, and you can't afford rent on a two-bedroom apartment.

Without a minimum wage that comes closer to families' real costs of living, our economy will continue to leave behind too many hard-working Americans. The legislation we are debating this week would raise the Federal minimum wage to $10.10 per hour and index it to inflation to sustain the purchasing power. That doesn't get us back to the purchasing power of 1968, but at least it comes a lot closer.

Let us understand what we are talking about. We are not talking about an entry wage for teenagers. The vast majority of folks who earn the minimum wage are adults—far more than 80 percent. More than four out of five are adults, more than half of whom are women. The earnings of these families contribute to the support of nearly one in four American children.

Contrary to the arguments made for the superwealthy and couched in sympathy for the poor we heard a few minutes ago on this floor, this minimum wage would lift 4.6 million Americans out of poverty. It would give America's low-wage workers paychecks that better reflect their contribution, their work, and their value in our economy.

Some in this Chamber, as we heard not so many minutes ago, would try to convince us that this is bad for business. Nothing could be farther from the truth. For proof, just look to the Northwest. In Oregon, we know this model works because Oregon has road-tested the model. We don't need to have theoretical debates about it; we have a real-life example in the State of Oregon. Our minimum wage has been indexed since 2002. It sits at $9.10 per hour. Indexing enables businesses to plan for small and steady increases rather than to speculate about potential dramatic leaps.

Oregon's restaurant industry, one of the largest employers of workers at Oregon's higher minimum wage, is projected to grow faster than the national average—faster. In fact, a higher minimum wage may well create jobs. The reason is simple: When workers have more in wages in their pockets, they spend more in our retail stores, which then hire more workers to meet the demand. When the retail stores sell more to the workers who have more money in their pocket, they order more from the factory and the factory employs more workers. A study by the Economic Policy Institute found the higher minimum wage we are debating would create 85,000 jobs.

Strengthening our Federal minimum wage is, at its core, about basic respect and basic fairness. It is about recognizing there is dignity in work and that when we allow working families to fall farther and farther down the wage chain we all pay the price. Consider the many aspects that take away from our society. A mother who has to pursue four minimum wage jobs to try to fill in when the earnings from one or more jobs are too low to support a family means she is not at home helping to guide her child. That is not helping to build a strong and productive future for that child or for our society in general.

It doesn't matter whether you are a CEO or a janitor, if you work full time in America, you should not be living in poverty. If we pay the janitor a little more, it helps a lot more people than just that one worker. Those wages go straight back into the broader economy that the CEO and his or her company depend upon.

So let's do what is right for our workers. Let's do what is right for our economy. Let's pass this bill and restore the power of the minimum wage for America's working families.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DONNELLY). The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise in support of the Minimum Wage Fairness Act because it is time to give everyone a fair shot. More and more States are voting to raise the minimum wage. Last week, the Hawaii State legislature passed a bill to raise the minimum wage in my home State. Hawaii's bill would increase the wage from $7.25 to $10.10, and increase the tip wage to at least $9.35.

Hawaii will become the tenth State enacting a wage increase since President Obama's 2013 State of the Union Address. In 2014 alone, Connecticut, Delaware, Maryland, Minnesota, West Virginia, and Washington, DC have enacted wage increases. Hawaii will become the 26th State with the higher minimum wage than the current Federal minimum wage. It is time for Congress to join with the States that are leading the charge to give hard-working families a raise.

I am going to share a few reasons why the Senate should vote to raise the minimum wage. First, today's Federal minimum wage is a poverty wage. If the minimum wage had kept up with inflation since 1968, the minimum wage today would be about $10.68. This

means that minimum-wage workers today earn less than $15,000 per year working full time. If someone is supporting a child or an elderly parent, that would put their family income below the Federal poverty line.

The bill we are considering today would raise the Federal minimum wage from $7.25 to $10.10 by 2016 and index it to inflation afterward. Increasing the minimum wage to $10.10 would help lift nearly a million workers and their families out of poverty.

In Hawaii, raising the minimum wage will bring more than 12,000 people above the Federal poverty level.

Second, the minimum wage is a woman's issue. Growing up, my mother was a single parent. We were an immigrant family. She raised three children by herself on very low wages. I know what it is like to run out of money at the end of the month and what it is like for every dime to matter. Nationwide, nearly two-thirds of minimum-wage workers are women. In Hawaii, increasing the minimum wage will give 54,000 women a raise. One out of five Hawaii women workers will get that raise. That is important to the women in my State, where the cost of living is high.

During the legislative debate on this issue in Hawaii, numerous advocacy groups came forward to provide testimony on why the minimum wage should be increased in Hawaii. These included representatives from churches, unions, individual parents, students, and others. For example, Dr. Lori Kamemoto is an ob-gyn who came forward to testify. She told of her work in health clinics where many of her patients are minimum-wage workers. She testified:

> The majority of patients I saw at the free clinic worked multiple minimum wage jobs, and each job made sure that they did not give my patient enough work hours to qualify for health insurance or benefits. Oftentimes, a patient would not be able to afford the medication needed for her health condition. She had a choice to either pay for her children's food or the recommended medication.

Another testifier, Laura Finlayson, is a student at Hawaii Pacific University. She testified:

> As someone who has worked several minimum wage jobs, I have experienced firsthand how the low wages perpetuate the cycle of poverty. . . . Many must also rely on government aid in order to make ends meet.

These stories and countless others show why we must raise the minimum wage.

Many workers in Hawaii are tipped workers. The tipped minimum wage is especially far behind. I have met restaurant workers who can't afford to eat in the very restaurants in which they work. Take the example of Nyah Potts, whom I met recently. She is a tipped worker. She works in a restaurant in the Reagan Building in Washington, DC. Due to her low wages, she has had to choose between buying diapers for her child or eating lunch that day. She decided to do something about her situation. Joining with her fellow workers and advocacy groups, she pushed the administration to raise the minimum wage for Federal contract workers. Nyah and her coworkers will now get a raise. It is time to give everyone in America a raise.

There is a common myth that tipped workers are teenagers just starting out. That is false. Eighty-eight percent of workers in tipped occupations are age 20 and over, and 45 percent are 30 or older.

Back in 2007, the last time Congress raised the minimum wage, the restaurant industry with its many tipped workers said it would cost their industry jobs. This did not happen. In fact, in 2013 the restaurant industry forecast said ''restaurants remain among the leaders in job creation.'' The Bureau of Labor Statistics reports that between 2007 and 2013, restaurants added 724,000 jobs.

There is a misconception that all tipped workers are servers at fancy restaurants. This is also not true. Many people who work at the airport, who help you get your bags, who help you make it to your gate on time, are also tipped workers. Tipped workers include bar-backs, bellhops, parking attendants, car washers, airport wheelchair workers, and many people don't even realize that these workers need tips to survive.

On average, hourly wages for tipped workers are almost 40 percent lower than overall hourly wages. The fact is, raising the minimum wage is not just good for workers, it is also good for the economy. That is why a survey of small business owners found that three out of five small business owners supported raising the minimum wage. They understand a higher minimum wage would increase consumer spending on their goods and services. That is because minimum-wage workers spend new money from higher wages right away at local businesses in their communities.

In addition to the restaurant industry I referred to earlier, there are other persistent critics who claim raising the minimum wage will cost jobs. Some cite a Congressional Budget Office report that only looked at old studies and not the latest research. The fact is, the latest academic studies say a higher minimum wage increases consumer spending and does not cost jobs.

A March Goldman Sachs report said that States which raised their minimum wage in 2014 actually created more jobs than other States that didn't raise the minimum wage. Six hundred economists, including 7 Nobel prize winners, have endorsed a minimum wage of $10.10.

Raising the minimum wage also saves taxpayers money on social services, as many of my colleagues have already noted. The current minimum wage leaves many below the poverty line and eligible for assistance such as the Supplemental Nutrition Assistance Program, SNAP, or food stamps. If we raise the minimum wage from $7.25 to $10.10, we reduce taxpayer costs for SNAP benefits by $4.6 billion a year. In Hawaii, over 15,000 workers would no longer need SNAP benefits. This would save nearly $40 million in Hawaii alone.

In America, we believe that if you work hard and play by the rules, you can get ahead. It is time for Congress to follow the example of Hawaii and other States that have raised their minimum wages. They are doing the right thing. It is time for Congress to do what is right. Let's give America a raise so all Americans can have a fair shot.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. HIRONO. Mr. President, I ask unanimous consent the Senate adjourn until 9:30 a.m. tomorrow, Wednesday, April 30, 2014, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 7:15 p.m., adjourned until Wednesday, April 30, 2014, at 9:30 a.m.