Ms. SINEMA changed her vote from "no" to "aye." So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
part — oregon coastal land conveyance
sec. 395. definitions.
sec. 396. conveyance.
sec. 397. map and legal description.
sec. 398. administration.

title iv — community forest management demonstration
sec. 401. purpose and definitions.
sec. 402. establishment of community forest demonstration areas.
sec. 403. advisory committee.
sec. 404. management of community forest demonstration areas.
sec. 405. distribution of funds from community forest demonstration area.
sec. 406. initial funding authority.
sec. 407. payments to united states treasury.
sec. 408. termination of community forest demonstration area.

title v — reauthorization and amendment of existing authorities and other matters
sec. 501. extension of secure rural schools and community self-determination act of 2000 pending full operation of forest reserve management project.
sec. 502. restoring original calculation method for 25 percent payments.
sec. 503. forest service and bureau of land management good-neighbor cooperation with states to reduce wildfire risks.
sec. 504. treatment as supplemental funding.
sec. 505. definition of fire suppression to include certain related activities.
sec. 506. prohibition on certain actions regarding forest service roads and trails.

subdivision b — national strategic and critical minerals production
sec. 100. short title.
sec. 100a. findings.
sec. 100b. definitions.

title i — development of domestic sources of strategic and critical minerals
sec. 101. improving development of strategic and critical minerals.
sec. 102. responsibilities of the lead agency.
sec. 103. conservation of the resource.
sec. 104. federal register process for mineral exploration and mining projects.

title ii — judicial review of agency actions relating to exploration and mine permits
sec. 201. definitions for title.
sec. 203. right to intervene.
sec. 204. expedited hearing and determining the action.
sec. 205. limitation on prospective relief.
sec. 206. limitation on attorneys' fees.

title iii — miscellaneous provisions
sec. 301. secretarial order not affected.

sec. 3. paygo scorecard.
the budgetary effects of this act shall not be entered on either paygo scorecard maintained pursuant to section 4(d) of the statutory pay-as-you-go go act of 2010.

division i — ways and means

sec. 101. short title.
this title may be cited as the “save american workers act of 2014”.

sec. 102. repeal of 30-hour threshold for classification as full-time employee for purposes of the employer mandate in the patient protection and affordable care act and replacement with 40 hours.

(a) full-time equivalents.—paragraph (2) of section 4980h(c) of the internal revenue code of 1986 is amended—
(1) by repealing subparagraph (e), and
(2) by inserting after subparagraph (d) the following new subparagraph:
"(f) full-time equivalents treated as full-time employees.—solely for purposes of determining whether an employer is an applicable large employer under this paragraph, an employer shall, in addition to the number of employees employed for any month otherwise determined, include for such month a number of full-time employees determined by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 174.",

(b) full-time employees.—paragraph (4) of section 4980h(c) of the internal revenue code of 1986 is amended—
(1) by repealing subparagraph (a), and
(2) by inserting after subparagraph (b) the following new subparagraph:
"(a) in general.—the term ‘full-time employee’ means, with respect to any month, an employee who is employed on average at least 40 hours of service per week.”.

(c) effective date.—the amendments made by this section shall apply to months beginning after december 31, 2013.

title ii — hire more heroes

sec. 201. short title.
this title may be cited as the “hire more heroes act of 2014.”

sec. 202. employment with health coverage under tricare or the veterans administration may be exempted from the employer mandate under patient protection and affordable care act.

(a) in general.—section 4980h(c)(2) of the internal revenue code of 1986 is amended by adding at the end the following:
"(f) exemption for health coverage under tricare or the veterans administration.—solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—
"(i) chapter 68 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 amendments made by subsection (a) shall apply to months beginning after december 31, 2013.

title iii — american research and competitiveness

sec. 301. short title.
this title may be cited as the “american research and competitiveness act of 2014.”

sec. 302. research and compete simplified and made permanent.
(a) in general.—subsection (a) of section 41 of the internal revenue code of 1986 is amended to read as follows:
"(a) in general.—for purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to—
"(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,
"(2) 20 percent of so much of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus
"(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research
(b) repeal of termination.—section 41 of such code is amended by striking subsection (b).
(c) conforming amendments.—
"(1) subsection (c) of section 41 of such code is amended to read as follows:
"(c) determination of average research expenses for prior years.—
"(1) special rule in case of no qualified research expenditures in any of 3 preceding taxable years.—in any case in which the taxpayer has no qualified research expenditures in any of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.
"(2) consistent treatment of expenses.—
"(a) in general.—notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under section (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.
"(b) prevention of distortions.—the secretary may prescribe regulations to prevent distortions in calculating a taxpayer’s qualified research expenses or basic research payments caused by a change in accounting methods caused by or resulting from the current year and a year taken into account in determining the average qualified research expenses or average basic research payments taken into account under subsection (a).”.

(2) section 41(e) of such code is amended—
"(a) by striking all that precedes paragraph (6) and inserting the following:
"(c) basic research payments.—for purposes of this section—
"(1) in general.—the term ‘basic research payment’ means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—
"(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and
"(B) such basic research is to be performed by such qualified organization.
"(2) exception to requirement that research be performed by qualified organization.—in the case of a qualified organization described in subparagraph (c) or (d) of paragraph (3), subparagraph (b) of paragraph (1) shall not apply.

(b) by redesigning paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and
"(c) in paragraph (4) as so redesignated, by striking subparagraphs (a) and (b) and by redesignating subparagraphs (d) and (e) as subparagraphs (b) and (c), respectively.

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(3) Section 41(f)(3) of such Code is amended—
(A) by striking ‘‘, and the gross receipts’’ in subparagraph (A)(i) and all that follows through ‘‘and which is placed in service in a taxable year beginning after 2002 and before 2014’’, (B) by striking clause (ii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively,
(C) by striking ‘‘and (iv)’’ each place it appears in subparagraph (A)(iv)(II) (as so redesignated) and inserting ‘‘and (iii)’’,
(D) by striking subparagraph (C) of section 179(b)(1) of such Code and inserting—
‘‘(C) SPECIAL RULES.— ‘‘(i) property is—
(1) placed in service (or, in the case of multiple units, units placed in service) during any 3-month period beginning between the time the first unit is placed in service and the last sale during such 3-month period remains taxable under section 168(k)(2) of the Internal Revenue Code of 1986, and
(2) qualifies under section 179 of such Code as being originally placed in service, (or, in the case of multiple units, units placed in service) during any 3-month period beginning between the time the first unit is placed in service and the last sale during such 3-month period remains taxable under section 168(k)(2) of the Internal Revenue Code of 1986.
‘‘(ii) SYNDICATION.—For purposes of subsection (g), ‘‘sale’’ shall not include any sale which the corporation was an S corporation.
‘‘(3) Section 41(f)(3) of such Code is amended by striking ‘‘, and which is placed in service in a taxable year beginning after 2002 and before 2014’’, (B) by striking paragraph (1)(A)(vi) and redesignating subparagraphs (B), (C), and (D) thereof as clauses (i), (ii), and (iii), respectively,
(C) by striking ‘‘, and the gross receipts of the predecessor’’ in subparagraph (A)(iv)(II) (as so redesignated),
(D) by striking ‘‘, and the gross receipts of’’, in subparagraph (B),
(E) by striking paragraph (4)(B)(xii) and (E) by striking subparagraph (C).
(4) Section 45C(b)(1) of such Code is amended by striking subparagraph (D),
(d) EFFECTIVE DATE.—(1) I N GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2013.
(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.
SEC. 303. PAYGO SCORECARD.
(a) PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.
(b) SENATE PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE V—S CORPORATION PERMANENT TAX RELIEF
SEC. 501. SHORT TITLE.
This title may be cited as the ‘‘S Corporation Permanent Tax Relief Act of 2014’’.
SEC. 502. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS OF S CORPORATIONS MADE PERMANENT.
(a) IN GENERAL.—(1) Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 is amended to read as follows:—
‘‘(7) REDUCTION PERIOD.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.
‘‘(b) SENATE PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).
SEC. 503. PERMANENT RULE REGARDING BASIS OF PROPERTY CONTRIBUTIONS.
(a) IN GENERAL.—Section 170(h)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence.
(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.
SEC. 504. BUDGETARY EFFECTS.
(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).
(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE VI—BONUS DEPRECIATION MODIFIED AND MADE PERMANENT
SEC. 601. BONUS DEPRECIATION MODIFIED AND MADE PERMANENT.
(a) MADE PERMANENT; INCLUSION OF QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(k)(2) of the Internal Revenue Code of 1986 is amended to read as follows:—
‘‘(2) QUALIFIED PROPERTY.—For purposes of this subsection—
‘‘(A) IN GENERAL.—The term ‘qualified property’ means property—
(1) to which section applies which has a recovery period of 20 years or less,
(2) which is computer software (as defined in section 167(f)(3)(B) for which a deduction is allowable under section 167(a) without regard to this subsection,
(3) which is water utility property,
(4) which is qualified leasehold improvement property, or
(5) which is qualified retail improvement property, and
(ii) the original use of which commences with the taxpayer.
‘‘(B) EXCEPTION FOR ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies.
‘‘(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and
‘‘(ii) after application of section 280B(b) (relating to listed property with limited business use).
‘‘(C) SPECIAL RULES.—For purposes of clause (ii) and subparagraph (A)(ii), if property—
(1) originally placed in service by a person, and
(2) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back referred to in clause (ii).
‘‘(II) SYNDICATION.—For purposes of subparagraph (A)(ii), if—
(1) property is originally placed in service by the lessor of such property,
(2) such property is sold to such lessor or an affiliate thereof, within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the last unit is placed in service in service does not exceed 12 months), and
(3) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,
such property shall be treated as originally placed in service not earlier than the date of such last sale.
‘‘(III) COORDINATION WITH SECTION 280F.—For purposes of section 280F—
(1) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F) which is a listed property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $8,000.
(2) LISTED PROPERTY.—The deduction allowed under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).
subsection (b)(2)(D), (b)(3)(D), or (g)(7) and subclauses (I) and (II) shall be determined the taxpayer during such taxable year if which would be allowed under this section for qualified property placed in service by the taxpayer during such taxable year if for qualified property shall be determined without regard to any adjustment under section 56.

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

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

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

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

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

(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the amount determined by the partnership under paragraphs (1)(A), (2)(D)(i), and (5)(A)(i) which is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

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

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

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

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

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

(I) 10 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2013, or

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

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

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

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

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

(F) OTHER RULES.—

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

(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a partnership which is a partner in a partnership and which makes an election under paragraph (1) for the taxable year for purposes of determining such corporation's distributive share of partnership items under section 702 for such taxable year, an election under this paragraph may be revoked only with the consent of the Secretary.

(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in a partnership in which such taxable year begins by substituting '2013' for '1987' in subclause (II) thereof.

(iv) EXPANSION.—Section 168(k)(4) of such Code is amended by striking "section 168(k)(2)(G)" and inserting "section 168(k)(2)(E)".

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

"(D) ELECTION FOR TREES AND VINES BEARING FRUITS AND NUTS.—Section 168(k) of such Code is amended—

(1) by striking paragraph (5), and

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

"(D) SPECIAL RULES FOR TREES AND VINES BEARING FRUITS AND NUTS.—Section 168(k)(4)(D)(iii) of such Code, as added by this subsection, shall apply to property placed in service after December 31, 2013.

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

(A) IN GENERAL.—The amendment made by subsection (b) (other than so much of such amendment as relates to section 168(k)(4)(D)(i) of such Code, as added by such amendment) shall apply to taxable years ending after December 31, 2013, and ending after December 31, 2013, the bonus depreciation amount determined under section 168(k)(4) of such Code for such taxable year shall be the sum of—

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

(ii) the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2013, or

(III) INFLATION ADJUSTMENT.—In the case of any taxable year commencing after 2014, the amount for any taxable year is an amount for any taxable year, the amount under paragraph (1)(A), (2)(D)(i), and (5)(A)(i) which is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

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

(C) A DDITIONAL DEPRECIATION MAY BE ALLOWED.—The amendment made by subsection (b)(2)(D)(i) of such Code is amended by striking "ACQUIRED AFTER DECEMBER 31, 2007, AND BEFORE JANUARY 1, 2014" in the heading thereof.

(E) EFFECTIVE DATES.—

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

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

(A) IN GENERAL.—The amendment made by subsection (b)(2)(D)(i) of such Code is amended—

(1) by striking "acquired after December 31, 2013, and before January 1, 2014, or"

(II) as having elected the application of this paragraph shall be treated—

(A) for any taxable year resulting from the application of this paragraph, and—

(B) for purposes of computing minimum tax and alternative minimum tax income under section 55, the deduction under section 167 for qualified property shall be determined without regard to any adjustment under section 56.

(b) S ENATE PAYGO S CORECARDS.—The PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.
entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

TITLE VII—REPEAL OF MEDICAL DEVICE EXCISE TAX

SEC. 701. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2012.

SEC. 702. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard that is maintained after December 31, 2012, under chapter 32 of the Internal Revenue Code of 1986.

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

DIVISION II—FINANCIAL SERVICES

TITLE I—SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION

SEC. 101. SHORT TITLE.

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

SEC. 102. REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.

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

“(13) REGISTRATION XXXMPTION FOR MERGER AND ACQUISITION BROKERS.—

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

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

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

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

“(B) DEFINITIONS.—In this paragraph:

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

“(I) is at least 5 percent of the voting securities of the company, or has the right to vote 20 percent or more of a class of voting securities; or

“(II) in the case of a partnership or limited liability company, has the right to vote 20 percent or more of the capital.

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

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

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

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

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

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

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

“(II) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have access to the most recent year-end balance sheet, income statement, statement of changes in financial position, and statement of changes in owner’s equity of the issuer of the securities offered in exchange, and, if the financial statements of the issuer are audited, the related report of the independent auditor, a balance sheet dated not more than 90 days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingency of the issuer.

“(E) INFLATION ADJUSTMENT.—

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

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

“(II) multiplying such dollar amount by the quotient obtained under subclause (I).”}

SEC. 203. EFFECTIVE DATE.

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

DIVISION III—OVERSIGHT

SUBDIVISION A—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

SEC. 101. SHORT TITLE.

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

SEC. 102. PURPOSE.

The purpose of this title is—

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

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

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

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

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

Section 302(g) of the Congressional Budget Act of 1974 (2 U.S.C. 601(g)) is amended by adding at the end the following new paragraph:}
“(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, at the same time, cause an assessment to be made of the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance or regulation that will result from changes in the Federal assistance program concerning or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of the estimated level of funding compared to such costs.”.

SEC. 104. CLARIFYING THE DEFINITION OF DIRECT REGULATORY ACTIONS.

Section 422(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting “incurs or” before “be required”; and

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

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

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking “Federal Reserve System” and inserting “the Federal Reserve System or independent regulatory agencies”.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–14; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 102(c) (2 U.S.C. 1511(c)—

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

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

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

(A) in the subsection heading, by striking “OMB” and inserting “IRFA”;

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

and

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

SEC. 106. AMENDING TITLE 31 TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

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

Section 422(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658a(a)(2)) is amended—

(1) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”; and

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

SEC. 108. REGULATORY PROCESS AND PRINCIPLES.

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1511) is amended to read as follows:

“SEC. 201. REGULATORY PROCESS AND PRINCIPLES.

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

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

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

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

“(4) If an agency determines that a regulation is the best method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective.

“(5) Each agency shall ensure that the tools it uses are designed so that the benefits of the intended regulation justify its costs.

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

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

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

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

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

“(b) REGULATORY ACTION DEFINED.—In this section, the term ‘regulatory action’ means any substantive action by an agency (normal presidential authority) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including changes to the terms of proposed rulemaking and notices of proposed rulemaking.”.

SEC. 109. EXPANDING THE SCOPE OF STATE AND LOCAL REGULATORY ACTIONS.

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

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

“(1) The text of the draft proposed rulemaking or final rule, together with a reasonableness review of the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

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

“(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of efficiency, public health and safety, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination),

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

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

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

“(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural areas, or other types of governments (or other regions of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment).

“(6) A detailed description of the extent of the agency’s prior consultation with the sector affected or other elected representatives (under section 204 of the Unfunded Mandate Reform Act of 1995) that were not preceded by a general notice of proposed rulemaking before the agency promulgates any final rule.”.

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

SEC. 110. ENHANCED STAKEHOLDER CONSULTATION.

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

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

(2) in subsection (a)—

(A) by inserting “and impacted parties” after “private sector”;

(B) by inserting “within the private sector (including small business),” after “on their behalf);”.

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SEC. 112. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

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

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

(1) a copy of the Federal regulation;

(2) the continued need for the Federal regulation;

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

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

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

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

(7) any litigation history challenging the Federal regulation.

SEC. 102. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

This title may be cited as the “All Economic Regulations Are Transparent Act of 2014” or as the “ALERMT Act of 2014.”

SEC. 101. SHORT TITLE.

This title may be cited as the “All Economic Regulations Are Transparent Act of 2014” or as the “ALERMT Act of 2014.”

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

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

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

“Sec.

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

652. Office of Information and Regulatory Affairs Publications.


654. Definitions.”

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

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

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

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

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

(i) any statutory or judicial deadline; and

(ii) whether the legal basis restricts or precludes the agency from conducting an analysis of the costs or benefits of the rule during the rule making.

(2) For any rule for which the agency plans to claim an exemption from the requirements of section 553 pursuant to section 553(b)(b).

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 127. INTERPRETIVE RULES.

(a) REQUIREMENT.—An interpretive rule shall be issued only if—

(1) the agency has made, in accordance with paragraph (2) of subsection (b), a determination that the rule is necessary to implement a provision of law; and

(2) the agency has provided notice of the proposed issuance of the rule in the Federal Register.

(b) DETERMINATION.—An interpretive rule may be issued only if—

(1) the agency has determined that the rule is necessary to implement a provision of law;

(2) the agency has provided notice of the proposed issuance of the rule in the Federal Register; and

(3) the agency has determined that the issuance of the rule will not result in significant economic impact on a substantial number of small entities.

SEC. 302. DETERMINATION OF SIGNIFICANT ECONOMIC IMPACT.

A determination under paragraph (1) of subsection (b) of this section shall be made only if the agency concludes that the rule will have a significant economic impact on a substantial number of small entities.
(C) any estimate of the economic effects of the rule, including any estimate of the net effect that the rule will have on the number of jobs in the United States, that was considered in preparing the rule. If such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the rule has been made publically available on the Internet.

8.565. Requirement for rules to appear in agency-specific monthly publication

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

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

(1) for which the agency issuing the rule

claims an exception under section 553(b)(B);

(2) which the President determines by

Executive order should take effect because the rule is

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

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security;

or

(D) issued pursuant to any statute imple-

menting an international trade agreement.

8.564. Definitions

"in this chapter, the terms ‘agency’, ‘agency action’, ‘rule’, and ‘rule making’ have the meanings given those terms in section 551."

"(b) IN GENERAL.—(1) the table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 5, the following:

"4. The Analysis of Regulatory Functions

6. The Analysis of Regulatory

Functions Relating to Rules ......... 651"

"(c) EFFECTIVE DATES.—

(1) AGENCY MONTHLY SUBMISSION TO THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—Subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall be submitted not later than 30 days after the date of the enactment of this title, and monthly thereafter.

(2) CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING.—The requirement under section 652(b)(2) of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 80 days after the date of the enactment of this title.

(3) DEADLINE.—The first requirement to publish or make available, as the case may be, under subsection (a), shall be submitted not later than 30 days after the date of the enactment of this title, and monthly thereafter.

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

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

TITLE II—REGULATORY ACCOUNTABILITY ACT

SEC. 201. SHORT TITLE.

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

SEC. 202. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking “and” at the end and inserting a semicolon; and

(2) by adding at the end the following:

“(15) major rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

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

(17) ‘negative-impact rule’ means any rule that would impose—

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

(B) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(C) significant impacts on multiple sectors of the economy;
“(20) the ‘Information Quality Act’ means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

“(21) the ‘Office of Information and Regulatory Affairs’ includes the substance of the Office of Information and Regulatory Affairs under section 3503 of chapter 35 of title 44 and any successor to that office.’.’

SEC. 203. RULE MAKING.

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

(b) Section 553(b)(1), United States Code, is amended by striking subsections (b) through (e) and inserting the following:

‘‘(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all pre-liminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the fol-lowing:

‘‘(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 appli-cable to whether the agency can or should propose a rule or undertake other agency ac-tion.

‘‘(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 ad-dressing those risks compared to other mat ters of similar degree and nature within the agency’s jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

‘‘(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

‘‘(5) Any reasonable alternatives for a new rule or other response identified by the agen-cy or considered by the public; and

‘‘(A) the alternative of no Federal response;

‘‘(B) amending or rescinding existing rules;

‘‘(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

‘‘(D) potential responses that—

‘‘(i) specify performance objectives rather than conduct or manners of compliance;

‘‘(ii) establish economic incentives to en-courage desired behavior;

‘‘(iii) provide information upon which choices can be made by the public;

‘‘(iv) incorporate other innovative alter natives rather than agency actions that specify conduct or manners of compliance.

‘‘(6) Notwithstanding any other provision of law—

‘‘(A) the potential costs and benefits asso-ciated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cus-tumulative costs and benefits and estimated impacts on jobs (including an estimate of the net governmental costs of compliance or noncompliance, including the net number of jobs that would be lost or created), wages, economic growth, innovation, and economic competitiveness;

‘‘(B) means to increase the cost-effectiveness of a rule; and

‘‘(C) incentives for innovation, consist-ency, predictability, lower costs of enforce ment and compliance (to government enti-ties, regulated entities, and the public), and flexibilit-y.

‘‘(C) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, NEGATIVE-IMPACT ON JOBS AND WAGES RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule mak-ing for a major rule, a high-impact rule, a negative-impact on jobs and wages rule, or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 30 days after notice of proposed rule making is published in the Federal Reg-ister, an agency shall publish advance notice of proposed rule making in the Federal Reg-ister. In publishing such advance notice, the agency shall—

‘‘(1) include a written statement identi-fying, at a minimum—

‘‘(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and infor-mation on which the agency expects to rely for the proposed rule;

‘‘(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

‘‘(C) preliminary information available to the agency concerning the considera-tions specified in subsection (b);

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

‘‘(E) the nature and significance of the objective for the rule and metrics by which the agency will meas-ure progress toward that objective;

‘‘(2) solicit written data, views or argu-ments from interested persons concerning the informa-tion and issues addressed in the advance notice; and

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

‘‘(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATION OF MAJOR AGENT COURSE.

‘(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall provide written notification to the Office of Information and Regu-latory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a no-tice of proposed rule making, which shall in-clude—

‘‘(A) a statement of the time, place, and nature of public rule making proceedings; (B) reference to the legal authority under which the rule is proposed;

‘‘(C) the terms of the proposed rule;

‘‘(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

‘‘(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

‘‘(ii) a summary of additional information the agency provided to and obtained from in-terested persons under subsection (c); and

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

‘‘(E) information specifically identifying all data contained in the docket for the deter-mination made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

‘‘(A) If the agency undertakes proce-dures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, pub-lish a notice of determination of other agen-cy course. A notice of determination of other agency course shall include information re-quired by paragraph (1)(D) if the agency determined to publish a notice of proposed rule making and a de-scription of the alternative response the agency determined to take;

‘‘(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency shall not undertake additional pro-ceedings under subsection (c) before it pub-lishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its deter-mination of other agency course, including but not limited to preliminary risk as-sessment or regulatory impact analysis pre pared by the agency and all other infor-mation that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to pub-lish a notice of proposed rule making and, at the discretion of the President or the Admin-istrator of the Office of Information and Regu-latory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule made accessible to the public by electronic means and otherwise for the public’s use when the notice of determination is published.

‘‘(A) 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.

"(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to the Act; or

"(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the opportunity for agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557. The petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

"(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

"(B) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

"(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

"(C) There shall be no judicial review of the agency’s disposition of issues considered and determine not to adopt any alternative considered under subsection (b)(2) unless the agency’s disposition is arbitrary and capricious.

"(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of issues considered and determined not to adopt any alternative considered under subsection (b)(2) on the basis of the petition.

(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 consider any comment or evidence that is received under 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.

"(1) Whether the agency’s asserted factual predicate for the rule is supported by the evidence and data on which the rule is based;

"(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, the agency shall identify the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives as follows:

"(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly alternative.

"(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, be more appropriate in light of the full administrative record and the rule meets those objectives.

"(1)(i) If a major rule, high-impact rule, or negative-impact on jobs and wages rule, the agency’s plan for review of the rule does not less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the benefits of the rule justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

"(ii) Whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule.

"(F) the agency’s reasoned final determination that its adoption of a more costly rule complies with the Information Quality Act; and

"(G) the agency’s reasoned final determination that the rule meets the objectives at the lowest cost.

"(H) any rule that is required by statute and a summary of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

"(i) 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 rule necessary for the consequences of, and alternatives to the rule.

"(ii) Except as provided in subparagraph (B), the agency shall adopt the least costly alternative to the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

"(J) the agency’s reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs, including all costs to be considered under subsection (b)(6) than the rule; and

"(K) the agency’s reasoned final determination that its adoption of a more costly rule complies with the Information Quality Act; and

"(L) the agency’s reasoned final determination that the rule meets the objectives at the lowest cost.

"(1)(i) the agency’s reasoned final determination that it did not deviate from the metrics of the Informaton Quality Act; and

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

"(J) for any negative-impact on jobs and wages rule, a statement that the head of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

"(K) the agency’s reasoned final determination that the rule meets the objectives at the lowest cost.

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 available to the public’s use no later than when the rule is adopted.

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

"(A) Subsections (c) through (e); and

"(B) Paragraphs (1) through (3) of section 553.
37. When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct an error in a previously issued rule or for other noncontroversial purposes, the agency may publish in the Federal Register compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an immediate final rule or regulation under section 7 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.

38. The Administrator of the Office of Information and Regulatory Affairs shall—

(a) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

(b) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

39. The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator’s specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

40. The agency shall include in the record for a rule making, tailoring the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

H7784 CONGRESSIONAL RECORD — HOUSE September 18, 2014

SEC. 204. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

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

"(a) Before issuing any major guidance, or guidance that impacts a substantial legal or policy issue arising out of statutory mandates, an agency shall—

(1) make and document a reasoned determination that—

(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action); and

(B) summarizes the evidence and data on which the guidance is based; and

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

(D) describes alternatives to such guidance and their costs (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives.

(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 with respect to the guidance’s benefits, and is otherwise appropriate.

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

(b) Agency guidance—

(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

(2) shall state in a plain, prominent and permanent manner that it is not legally binding;

(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

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

(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

(d) The Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by such Office shall be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

(i) Right to Petition.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

(j) Rule Making Guidelines.—(1) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the conduct of rule making, including qualitative and quantitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator’s determination, with the economic impact of the rule.

(2) To ensure that agencies use the best available techniques to quantify and evaluate anticipated benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

(k) Rule Making Guidelines.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and, where appropriate, require that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies. Such regulations shall be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

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

(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

(l) Right to Petition.—Each agency shall—

(1) give an interested person the right to petition for the issuance, amendment, or repeal of a rule; and

(2) treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

(m) 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 major rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in making the record and in providing notice of the rule’s adoption.

(n) Date of Publication of Rule.—The required publication or service of a substantive rule shall begin 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;

(3) any otherwise provided by the agency for good cause found and published with the rule.
Section 553. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.

SEC. 205. HEARING, PRECEDING 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) 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 this section. The transcript shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

(2) No finding or determinations described in subsection (f) of this section, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553."

(f) When an agency conducts rule making under this section, the agency shall consider and determine, after notice and opportunity for public hearing, the need for agency action, unreasonably delays or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k)."

SEC. 206. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) skipping the following: "(a) Agency action made" and inserting "(a) Agency action made"; and

(2) by adding at the end the following: "(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency’s publication of an interim rule without compliance with section 553(c), (d), or (e) or requirement of a final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency’s determination, including any rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or requirement of a final determinations under subsection (f) of section 553.".

SEC. 207. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking "To the extent necessary" and inserting "(a) To the extent necessary;";

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after "in accordance with law" the following (including the Information Quality Act); and

(3) by adding at the end the following: "(b) The court shall not defer to the agency’s—

(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556-557 of chapter 5 of this title to adopt the rule."

(2) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k)."

SEC. 208. ADDED DEFINITION.

Section 702 of title 5, United States Code, is amended—

(1) replacing paragraph (1) of this section, with the following: "(1) sections 553, 556, and 704 of title 5, United States Code."

(2) by deleting paragraph (2) of section 556 and inserting the following: "(2) the record for decision shall also include any information that is part of the record of proceedings under section 553."

(3) by adding at the end the following: "(3) an agency action made under this section, including an explanation of the grounds for decision, shall not apply to rule makings that concern the administrative record. This subsection shall not apply to any rule makings pending under this section and section 557 directly."
(C) AMENDMENT.—The term ‘amendment’ means any change to a land management plan which—
(i) in the case of a plan described in subparagraph (A)(ii), is made under section 5(e) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)); or
(ii) in the case of a plan described in subparagraph (A)(i), is made under section 1610.5-5 of title 43, Code of Federal Regulations (the environmental impact statement regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)).

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

(2) COLLECTION OF INFORMATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows: “(4) RECORDKEEPING REQUIREMENT.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows: “(A) in paragraph (4), by striking “recordkeeping, and other compliance” and inserting “recordkeeping, and other compliance requirements of the proposed rule, the agency shall provide—“(1) describing the reasons why action by the agency is being considered; “(2) describing the objectives, and legal basis for, the proposed rule; “(3) estimating the number and type of small entities to which the proposed rule will apply; “(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record; “(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; “(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; “(7) described in the case of a plan described in section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code, and “(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees. “(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.”

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

SEC. 303. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 605 of title 5, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (2), by striking “and” at the end and inserting “, and” in its place; and
(B) by redesignating paragraph (3) as paragraph (4); and
(C) by inserting after paragraph (2) the following: “(3) a brief description of the sector of the North American Industrial Classification System under which the agency action is taken, or the rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;”.

(2) IN SUBSECTION (C), TO READ AS FOLLOWS: “(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The head of the agency for which the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas established by each agency on its website within 3 days of their publication in the Federal Register.”.

SEC. 304. REQUIREMENTS FOR FURTHER MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows: “(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed description—“(1) describing the reasons why action by the agency is being considered; “(2) describing the objectives, and legal basis for, the proposed rule; “(3) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; “(4) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; “(5) described in the case of a plan described in section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code, and “(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees. “(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.”

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

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

(a) IN GENERAL.—Section 608 is amended to read as follows: “608. Additional powers of Chief Counsel for Advocacy

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

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

(b) NOTWITHSTANDING any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an ap-
whether the agency is required to file a general notice of proposed rulemaking under section 553.

(b) CONFORMING AMENDMENTS.—

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

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

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

(A) by striking subparagraph (B); and

(B) by striking ‘‘(A) A small entity’’ and inserting in lieu thereof—

‘‘(3) A small entity’’.

SEC. 206. PROCEDURES FOR GATHERING COMMENT.

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

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

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

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

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

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

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

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

‘‘(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 608; and

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

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

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

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

‘‘(e) A proposed rule is described by this subsection if the rule is a final rule that will be sent to the Administrator for Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency).

‘‘(f) The plan shall include—

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

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

‘‘(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

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

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

‘‘(h) A small entity or a representative of a small entity may submit a request that the agency provide copies of the report prepared under subsection (d) and all materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b) be waived, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

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

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

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

‘‘(4) The complexity of the rule.

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

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

‘‘(7) The length of time since the rule has been in effect.

‘‘(8) The extent to which the rule is consistent with the internal revenue laws of the United States.

‘‘(9) The extent to which the rule provides a level playing field for small businesses and gather their input on existing agency rules.

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

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

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

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

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

‘‘(4) The complexity of the rule.

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

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

‘‘(7) The length of time since the rule has been in effect.

‘‘(8) The extent to which the rule is consistent with the internal revenue laws of the United States.

‘‘(9) The extent to which the rule provides a level playing field for small businesses and gather their input on existing agency rules.

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

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

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

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

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

‘‘(4) The complexity of the rule.

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

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

‘‘(7) The length of time since the rule has been in effect.

‘‘(8) The extent to which the rule is consistent with the internal revenue laws of the United States.

‘‘(9) The extent to which the rule provides a level playing field for small businesses and gather their input on existing agency rules.

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

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

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

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

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

‘‘(4) The complexity of the rule.

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

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

‘‘(7) The length of time since the rule has been in effect.

‘‘(8) The extent to which the rule is consistent with the internal revenue laws of the United States.

‘‘(9) The extent to which the rule provides a level playing field for small businesses and gather their input on existing agency rules.
ecological impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.

§ 605. Incorporations by reference and certifications for chapter 6 of title 5, United States Code, is amended by inserting the following:

"(7) all final rules under section 608(a) of title 5.".

§ 607. Quantification requirements.''

§ 608. Incorporations by reference and certifications.''

§ 609. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to elaborate such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''

§ 609. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

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

(1) in paragraph (2), by striking "and" at the end;

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

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

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

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

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

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

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

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

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

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

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

"(A) the Chief Counsel for Advocacy may specify such definitions or standards for purposes of this Act.

(b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of section 3(a)(2)(C) of the Small Business

ness Act (15 U.S.C. 632(a)(2)(C)(ii)) is amended to read as follows:

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

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

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

(2) by inserting "Chief Counsel for Advocacy, as appropriate" before "shall ensure";

and

(3) by striking "or Chief Counsel for Advocacy, as appropriate" before "shall ensure".

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

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

(2) by inserting ", in the case of a rule for which the date of final agency action is the same date as the publication of the final rule constituted final agency action" after "provision of law.".
SEC. 402. CONSENT DECREE AND SETTLEMENT REFORM.

(a) PLEADINGS AND PRELIMINARY MATTERS.—

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

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

(b) INTERVENTION.—

(1) NOTIFICATIONS.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed or to dismiss a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement after the end of proceedings in accordance with paragraph (1) and subparagraphs (A) and (B) of paragraph (2) of subsection (d) or subsection (d)(3)(A), whichever is later.

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

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

(3) PUBLICATION OF AND COMMENT ON COVERED CONSENT DEEDS OR SETTLEMENT AGREEMENTS.—

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

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

(B) a statement providing—

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

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

(2) PUBLIC COMMENT.—

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

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

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

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

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

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

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

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

(ii) that—

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

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

(III) for such a covered settlement agreement that commits the agency to exercise in a particular way discretion which was committed to the agency by statute or the Constitution of the United States, without regard to whether the discretion was granted to respond to changing circumstances, to make policy or manage its choices, or to protect the rights of third parties.

(3) REVIEW BY COURT.—

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

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

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

(d) ANNUAL REPORTS.—Each agency shall submit to Congress an annual report that, for each fiscal year for which covered by subsections

(i) the number, identity, and content of covered civil actions brought against and
covered consent decrees or settlement agreements entered against or into by the agency; and
(2) a description of the statutory basis for
(A) each covered consent decree or settlement agreement entered against or into by the agency; and
(B) any rates of attorneys fees or costs in a civil action resolved by a covered consent decree or settlement agreement entered against or into by the agency.

SEC. 404. MOTIONS TO MODIFY CONSENT DECREES.
If an agency moves a court to modify a covered consent decree or settlement agreement the motion is that the terms of the covered consent decree or settlement agreement are no longer fully in the public interest due to the obligations of the agency to fulfill other duties or due to the changed facts and circumstances, the court shall review the motion and the covered consent decree or settlement agreement de novo.

SEC. 405. EFFECTIVE DATE.
This title shall apply to—
(1) any covered civil action filed on or after the date of enactment of this title; and
(2) a request deemed a consent decree or settlement agreement proposed to a court on or after the date of enactment of this title.

DIVISION IV—JUDICIARY
TITLE I—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

SEC. 101. SHORT TITLE.
This title may be cited as the “Regulations From the Executive in Need of Scrutiny Act of 2014”.

SEC. 102. PURPOSE.
The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully considered laws that is truly accountable to the American people for the laws imposed upon them.

REINS Act will result in more carefully considered laws that is truly accountable to the American people for the laws imposed upon them.

SEC. 103. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING:
Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

Sec.

801. Congressional review.

802. Congressional approval procedure for major rules.

803. Congressional disapproval procedure for nonmajor rules.

804. Definitions.


806. Exception for monetary policy.

807. Effective date of certain rules.

801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall provide, in the same manner as the Congress and to the Comptroller General a report containing—

(1) a copy of the rule;

(2) a concise general statement relating to the rule;

(3) a classification of the rule as a major or nonmajor rule, and

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

(vi) the proposed effective date of the rule.

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

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

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

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

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

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

(4) A major rule shall not take effect as provided by section 803 after submission to Congress under subsection (a)(2) unless the Congress enacts a joint resolution of approval described in subsection (a)(3).

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

(6) A nonmajor rule shall take effect as provided by section 803 unless the Congress enacts a joint resolution of approval described in subsection (a)(3).

802. Congressional approval procedure for major rules

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

(A) bears no preamble;

(B) the following title (with blanks filled as appropriate): ‘That Congress approves the rule submitted to Congress under subsection (a)(1) on such date’;

(C) includes after its resolving clause only the following (with appropriate): ‘That Congress approves the rule submitted to Congress under subsection (a)(1)’; and

(D) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days other House of Congress is adjourned for more than 3 days during the session in which the report was received). In determining the period (2) and submits written notice of such determination to the Congress.

(2) A rule classified by a determination made by the President by Executive order that the major rule should take effect because such rule is—

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

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

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

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

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

(B) in the case of the House of Representatives, 60 legislative days, before the date the Congress is scheduled to adjourn a session of Congress through the date on which the conclusion of Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

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

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

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

(2) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

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

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

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

803. Congressional disapproval procedure for nonmajor rules

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall provide, in the same manner as the Congress and to the Comptroller General a report containing—

"(1) a copy of the rule;"
of 15 legislative days after its introduction, committee to which a joint resolution described in paragraph (1) shall be referred shall be decided without debate.

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

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

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

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

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

"(3) In the Senate, immediately following the conclusion of the debate on a joint resolution respecting a nonmajor rule—

"(i) after the expiration of the 60 session days beginning with the applicable submission date prescribed by rule 44, the joint resolution shall be placed on the appropriate calendar; and

"(ii) if the joint resolution—

"(A) has been referred to a committee; and

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

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

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

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

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

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

§ 803. Congressional disapproval procedure for nonmajor rule—

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

"(b) A joint resolution described in subsection (a) shall be in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the joint resolution—

"(A) the procedure in that House shall be the same as if no joint resolution had been introduced in the other House; and

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

§ 804. Definitions

For purposes of this chapter—

The term ‘Federal agency’ means any agency as that term is defined in section 551(1).
DIVISION V—NATURAL RESOURCES
SUBDIVISION A—RESTORING HEALTHY FORESTS FOR HEALTHY COMMUNITIES
SEC. 100. SHORT TITLE.
This subdivision may be cited as the "Restoring Healthy Forests for Healthy Communities Act".

TITLE I—RESTORING THE COMMITMENT TO RURAL COUNTIES AND SCHOOLS
SEC. 101. PURPOSES.
The purposes of this title are as follows:
(1) To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land.
(2) To ensure that such counties have a dependable source of revenue from National Forest System land.
(3) To reduce Forest Service management costs while also ensuring the protection of United States forests resources.

SEC. 102. DEFINITIONS.
In this title:
(1) ANNUAL VOLUME REQUIREMENT.—
(A) IN GENERAL.—The term "annual volume requirement", with respect to a Forest Reserve Revenue Area, means a volume of national forest materials no less than 50 percent of the sustained yield of the Forest Reserve Revenue Area.
(B) EXCLUSIONS.—In determining the volume of national forest materials or the sustained yield of a Forest Reserve Revenue Area, the Secretary shall not consider non-commercial post and pole sales and personal use firewood.

(2) BENEFICIARY COUNTY.—The term "beneficiary county" means a political subdivision of a State that, on account of containing National Forest System land, was eligible to receive payments through the State under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.).

(3) CATASTROPHIC EVENT.—The term "catastrophic event" means an event (including severe fire, insect or disease infestations, windthrow, or other extreme weather or natural disaster) that the Secretary determines will cause or has caused substantial damage to National Forest System land or natural resources on National Forest System land.

(4) COVERED FOREST RESERVE PROJECT.—
The terms "covered forest reserve project" and "covered project" mean a project involving the management or sale of national forest materials within a Forest Reserve Revenue Area to generate forest reserve revenues and achieve the annual volume requirement for the Forest Reserve Revenue Area.

(5) FOREST RESERVE REVENUE AREA.—
The term "Forest Reserve Revenue Area" means National Forest System land in a unit of the National Forest System designated by the Secretary to provide forest reserve management for the production of national forest materials and forest reserve revenues.

(B) INCLUSIONS.—Subject to subparagraph (C), the Secretary may include any other provision of law, including executive orders and regulations, the Secretary shall include in Forest Reserve Revenue Areas not less than 50 percent of the National Forest System lands identified as commercial forest land capable of producing twenty cubic feet of timber per acre.

(6) FOREST RESERVE REVENUES.—The term "forest reserve revenues" means revenues...
(7) NATIONAL FOREST MATERIALS.—The term "national forest materials" has the meaning given to that term in section 14(e)(1) of the National Forest Management Act of 1976 (16 U.S.C. 472aa(e)(1)).

(8) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given to that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that it does not include the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-1012).

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(10) SUSTAINED YIELD.—The term "sustained yield" means the maximum annual growth potential of the forest calculated on the basis of the culmination of mean annual increment using cubic measure.

(11) STATE.—The term "State" includes the Commonwealth of Puerto Rico.

(12) 25-PERCENT PAYMENT.—The term "25-percent payment" means the payment to beneficiary counties to manage Forest Reserve Revenue Areas.

SEC. 103. ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS AND ANNUAL VOLUME REQUIREMENTS.

(a) ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS.—Notwithstanding any other provision of law, the Secretary shall establish Forest Reserve Revenue Areas within each unit of the National Forest System.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary shall complete establishment of the Forest Reserve Revenue Areas not later than 60 days after the date of enactment of this Act.

(c) PURPOSE.—The purpose of a Forest Reserve Revenue Area is to provide a dependable source of 25-percent payments and economic activity through sustainable forest management for each beneficiary county containing National Forest System land.

(d) DUTY TO MANAGE.—The Secretary shall have a fiduciary responsibility to beneficiary counties to manage Forest Reserve Revenue Areas to satisfy the annual volume requirements.

(e) DETERMINATION OF ANNUAL VOLUME REQUIREMENT.—Not later than 30 days after the date of enactment of a Forest Reserve Revenue Area, the Secretary shall determine the annual volume requirement for that Forest Reserve Revenue Area.

(f) LIMITATION ON REDUCTION OF FOREST RESERVE REVENUE AREAS.—Once a Forest Reserve Revenue Area is established under subsection (a), the Secretary may not reduce the number of acres of National Forest System land included in that Forest Reserve Revenue Area.

(g) L.P.—The Secretary shall provide a map of all Forest Reserve Revenue Areas established under subsection (a) for each unit of the National Forest System—

(1) to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives; and

(2) to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(h) IDENTIFICATION OF VALID AND EXISTING RIGHTS.—The Secretary shall establish Forest Reserve Revenue Areas under subsection (a) nor any provision of this title shall be construed to limit or restrict—

(1) the National Forest System land for hunting, fishing, recreation, and other related purposes; or

(2) valid and existing rights regarding National Forest System land, including rights of any federally recognized Indian tribe.

SEC. 104. MANAGEMENT OF FOREST RESERVE REVENUE AREAS.

(a) REQUIREMENT TO ACHIEVE ANNUAL VOLUME REQUIREMENT.—Immediately upon the establishment of a Forest Reserve Revenue Area, the Secretary shall manage the Forest Reserve Revenue Area in the manner necessary to achieve the annual volume requirement for that Forest Reserve Area.

(b) STANDARDS FOR PROJECTS WITHIN FOREST RESERVE REVENUE AREAS.—The Secretary shall conduct covered forest reserve projects within Forest Reserve Revenue Areas in accordance with this section, which shall serve as the sole means by which the Secretary will comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and other laws applicable to the covered projects.

(c) ENVIRONMENTAL ANALYSIS PROCESS FOR PROJECTS IN FOREST RESERVE REVENUE AREAS.—

(1) ENVIRONMENTAL ASSESSMENT.—The Secretary shall give published notice and complete an environmental assessment pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a covered forest reserve project proposed to be conducted within a Forest Reserve Revenue Area, except that the Secretary is not required to study, develop, or describe any alternative to the proposed agency action.

(2) CUMULATIVE EFFECTS.—The Secretary shall consider cumulative effects solely by evaluating the impacts of a proposed covered forest reserve project combined with the impacts of any that were approved with a Decision Notice or Record of Decision before the date on which the Secretary published notice of the proposed covered project. The cumulative effects of past projects may be considered in the environmental assessment by using a description of the current environmental conditions.

(d) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) NON-JEOPARDY ASSESSMENT.—If the Secretary determines that a proposed covered forest reserve project may affect the continued existence of any species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), the Secretary shall issue a determination explaining the view of the Secretary that the proposed covered project is not likely to jeopardize the continued existence of the species.

(2) SUBMISSION, REVIEW, AND RESPONSE.—

(A) SUBMISSION.—The Secretary shall submit a determination issued by the Secretary under paragraph (1) to the Secretary of the Interior or the Secretary of Commerce, as appropriate.

(B) REVIEW AND RESPONSE.—Within 30 days after receiving a determination under subparagraph (A), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall provide a written response to the Secretary concurring in or rejecting the Secretary's determination. If the Secretary of the Interior or the Secretary of Commerce rejects the determination, the written response shall include recommendations for measures that—

(i) will avoid the likelihood of jeopardy to an endangered or threatened species;

(ii) can be implemented in a manner consistent with the intended purpose of the covered forest reserve project;

(iii) can be implemented consistent with the scope of the Secretary's legal authority and jurisdiction; and

(iv) are economically and technologically feasible.

(3) FORMAL CONSULTATION.—If the Secretary of the Interior or the Secretary of Commerce rejects a determination issued by the Secretary under paragraph (1), the Secretary of the Interior or the Secretary of Commerce also is required to engage in formal consultation with the Secretary. The Secretaries shall complete such consultation pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) within 90 days after the submission of the written response under paragraph (2).

(4) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(A) ADMINISTRATIVE REVIEW.—Administrative review of a covered forest reserve project shall occur only in accordance with the special administrative review process established under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 5668).

(B) JUDICIAL REVIEW.—

(A) IN GENERAL.—Judicial review of a covered forest reserve project shall occur as appropriate in accordance with the special administrative review process established under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 5668), except that a court of the United States may not issue a restraining order, preliminary injunction, or other similar order in connection with a covered forest reserve project in response to an allegation that the Secretary
violated any procedural requirement applicable to how the project was selected, planned, or analyzed.

(B) Bond required.—A plaintiff challenging a covered forest reserve project shall be required to post a bond or other security acceptable to the court for the reasonably estimated costs, expenses, and attorneys fees of the Secretary as defendant. All proceedings in the action shall be stayed until the security is given. If the plaintiff has not complied with the order to post such bond or other security within 90 days after the date of service of the order, then the action shall be dismissed with prejudice.

(C) Recovery.—If the Secretary prevails in the civil action, the court shall subordinate to the court a motion for payment of all litigation expenses.

(g) USE OF ALL-TERRAIN VEHICLES FOR MANAGEMENT ACTIVITIES.—The Secretary may allow the use of all-terrain vehicles within the Forest Reserve Revenue Areas for the purposes of activities associated with the sale of national forest materials in a Forest Reserve Revenue Area.

SEC. 105. DISTRIBUTION OF FOREST RESERVE REVENUE.

(a) 25-PERCENT PAYMENTS.—The Secretary shall use forest reserve revenues generated by a covered forest reserve project to make 25-percent payments to States for the benefit of beneficiary counties.

(b) DEPOSIT IN KNUTSON-VANDENBERG AND SALVAGE SALE FUNDS.—After compliance with subsection (a), the Secretary shall use forest reserve revenues to make deposits into the fund established under section 3 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly known as the Knutson-Vandenberg Fund) and the fund established under section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472ch; commonly known as the salvage sale fund) in contributions equal to how the project was selected, planned, and monitored for hazardous fuel reduction, forest health, and timber harvesting. Such deposits are intended to provide funding to States for the purpose of meeting the costs of preparing for timber sales, the amount of receipts distributed to each beneficiary county.

(b) Form of Report.—The information required by subsection (a) to be provided with respect to the Forest Reserve Revenue Area shall be presented on a single page.

TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC WILDFIRE PREVENTION

SEC. 201. PURPOSES.

The purposes of this title are as follows:

(1) To provide the Secretary of Agriculture and the Secretary of the Interior with the tools necessary to reduce the potential for wildfires.

(2) To expedite wildfire prevention projects to reduce the chances of wildfire on certain high-risk Federal lands.

(3) To protect communities and forest habitat from uncharacteristic wildfires.

(4) To enhance aquatic conditions and terrestrial wildlife habitat.

(5) To restore diverse and resilient landscapes through improved forest conditions.

SEC. 202. DEFINITIONS.

In this title:


(2) AT-RISK FOREST.—The term "at-risk forest" means:

(A) Federal land in condition class II or III, as those classes were developed by the Forest Service Rocky Mountain Research Station in the general technical report titled “Development of Coarse-Scale Spatial Data for Wildfire Fine Fuel Management;” (RMRS–87) and dated April 2000 or any subsequent revision of the report; or

(B) Federal land where there exists a high risk of losing an at-risk community, key ecosystem, water supply, wildlife, or wildlife habitat to wildfire, including catastrophic wildfire and post-fire disturbances, as designated by the Secretary concerned.

(3) FEDERAL LAND.—

(A) COVERED LAND.—The term “Federal land” means:

(i) the land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1678(a))); or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUDED LAND.—The term does not include—

(i) that is a component of the National Wilderness Preservation System;

(ii) on which the removal of vegetation is specifically prohibited by Federal statute; or

(iii) that is within a National Monument as of the date of the enactment of this Act.

(4) HIGH-RISK AREA.—The term “high-risk area” means an area of Federal land identified under section 203 as an area suffering from the bark beetle epidemic, drought, or deteriorating forest health conditions, with the resulting imminent risk of devastating wildfires, or otherwise at high risk for bark beetle infestation, drought, or wildfire.

(5) SECRETARY concerned.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, in the case of the National Forest System land; and

(B) the Secretary of the Interior, in the case of public lands.

(6) ELIGIBLE HAZARDOUS FUEL REDUCTION AND FOREST HEALTH PROJECTS.—The terms “eligible hazardous fuel reduction project” or “forest health project” mean the measures and methods developed for a project to be carried out on Federal land—

(A) in an at-risk forest under section 203 for hazardous fuels reduction, forest health, forest restoration, or watershed restoration, using ecological restoration principles consistent with the forest type where such project will occur; or

(B) in a high-risk area under section 203.

SEC. 203. HAZARDOUS FUEL REDUCTION PROJECTS AND FOREST HEALTH PROJECTS IN AT-RISK FORESTS.

(a) IMPLEMENTATION.—As soon as practicable after the date of the enactment of this Act, the Secretary concerned is authorized to implement a hazardous fuel reduction project or a forest health project in at-risk forests in a manner that focuses on surface, understory, and ground fuels, and includes activities using ecological restoration principles consistent with the forest type in the location where such project will occur.

(b) AUTHORIZED PRACTICES.—

(1) INCLUSION OF LIVESTOCK GRAZING AND TIMBER HARVESTING.—A hazardous fuel reduction project or a forest health project may include livestock grazing and timber harvest projects carried out for the purposes of hazardous fuels reduction, forest health, forest restoration, watershed restoration, and mitigating and threatened and endangered species habitat protection or improvement, if the management action is consistent with achieving long-term ecological sustainability for the forest type in the location where such project will occur.

(2) GRAZING.—Domestic livestock grazing may be used in a hazardous fuel reduction project or a forest health project to reduce surface fuel loads and to recover burned areas. Utilization standards shall not apply to those areas where the ecological restoration principles are consistent with the forest type in the location where such project will occur, may be used in a hazardous fuel reduction project or a forest health project to reduce litter and canopy fuel loads to prevent unnatural fire.

(c) PRIORITY.—The Secretary concerned shall give priority to hazardous fuel reduction projects and forest health projects submitted by the Governor of a State as provided in section 206(c) and to projects submitted under the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a).

SEC. 204. ENVIRONMENTAL ANALYSIS.

Subsections (b) through (f) of section 104 shall apply to the implementation of a hazardous fuel reduction project or a forest health project under this title. In addition, if the primary purpose of a hazardous fuel reduction project or a forest health project under this title is the salvage of dead, damaged, or down timber resulting from wildfire occurring in 2013 or 2014, the hazardous fuel reduction project or forest health project, and any decision of the Secretary concerned in connection with the project, shall not be subject to judicial review or to any restraining order or injunction issued by a United States court.

SEC. 205. STATE DESIGNATION OF HIGH-RISK AREAS OF NATIONAL FOREST SYSTEM AND PUBLIC LANDS.

(a) DESIGNATION AUTHORITY.—The Governor of a State may designate high-risk areas of Federal land in the State for the purposes of addressing—

(1) determined by the Secretary of Agriculture in consultation with the Secretary of the Interior that the land meets the health conditions in existence as of the date of the enactment of this Act due to the bark beetle epidemic or drought, with the resulting imminent risk of catastrophic wildfires; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

(b) CONSULTATION.—In designating high-risk areas, the Governor of a State shall consult with county government from affected counties and with the Secretary concerned.

(c) EXCLUSION OF CERTAIN AREAS.—The following Federal land may not be designated as a high-risk area:

(1) a component of the National Wilderness Preservation System.

(2) Federal land on which the removal of vegetation is specifically prohibited by Federal statute.

(3) Federal land within a National Monument as of the date of the enactment of this Act.

(4) STANDARDS FOR DESIGNATION.—Designation of high-risk areas shall be consistent with standards and guidelines contained in the land and resource management plan or land and resource management plan for the land for which the designation is being made, except that the Secretary concerned may modify
such standards and guidelines to correspond with a specific high-risk area designation.

(e) TIME FOR INITIAL DESIGNATIONS.—The first high-risk areas should be designated not later than 30 days after the date of the enactment of this Act, but high-risk areas may be designated at any time consistent with subsection (a).

(f) ADMISSION OF DESIGNATIONS.—The designation of a high-risk area in a State shall expire 20 years after the date of the designation, unless earlier terminated by the Governor of the State.

(g) REDesignATION.—The expiration of the 20-year period specified in subsection (f) does not prohibit the Governor from redesignating an area of Federal land as a high-risk area under this section if the Governor determines that the Federal land continues to be subject to the terms of this section.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—The designation of a high-risk area shall not be construed to limit or restrict—

(1) access to Federal land included in the area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding the Federal land.

SEC. 206. USE OF HAZARDOUS FUELS REDUCTION OR FOREST HEALTH PROJECTS FOR HIGH-RISK AREAS.

(a) PROJECT PROPOSALS.—

(1) PROPOSALS AUTHORIZED.—Upon designation of a high-risk area in a State, the Governor of the State may provide for the development of hazardous fuels reduction projects or forest health projects for the high-risk area.

(2) PROJECT CRITERIA.—In preparing a proposed hazardous fuels reduction project or a forest health project, the Governor of a State and the Secretary concerned shall—

(A) take into account managing for rights of way, protection of wildlife and endangered species habitat, safe-guarding water resources, and protecting at-risk communities from wildfires; and

(B) emphasize activities that thin the forest to provide the greatest health and longevity of the forest.

(b) CONSULTATION.—In preparing a proposed hazardous fuels reduction project or a forest health project, the Governor of a State shall consult with county government from affected counties, and with affected Indian tribes.

(c) SUBMISSION AND IMPLEMENTATION.—The Governor shall submit proposed emergency hazardous fuels reduction projects and forest health projects to the Secretary concerned for implementation as provided in section 207.

SEC. 207. MORA TORIUM ON USE OF PRESCRIBED FIRE IN MARK TWAIN NATIONAL FOREST, MISSOURI, PENDING REVISION OF MANAGEMENT PLAN.

(a) MORA TORIUM.—Except as provided in subsection (b), the Secretary of Agriculture may not authorize or prescribe fire in Mark Twain National Forest, Missouri, under the Collaborative Forest Landscape Restoration Project until the report required by subsection (c) is submitted to Congress.

(b) EXCEPTION FOR WILDFIRE SUPPRESSION.—Subsection (a) does not prohibit the use of prescribed fire as part of wildfire suppression activities.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing an evaluation of recent and current Forest Service management practices for Mark Twain National Forest, including lands in the National Forest, for the purpose of determining the feasibility of enrollment in the Collaborative Forest Landscape Restoration Project to convert certain lands into shortleaf pine-oak woodlands, to determine the impact of such management practices on forest health and tree mortality. The report shall specifically address—

(1) the economic costs associated with the failure to utilize hardwoods cut as part of the Collaborative Forest Landscape Restoration Project to prevent the loss of hardwood production from the treated lands in the long term;

(2) the extent of increased tree mortality due to excessive heat generated by prescribed fires;

(3) the impacts to water quality and rate of water runoff due to erosion of the scorched earth left in the aftermath of the prescribed fires; and

(4) a long-term plan for evaluation of the impacts of prescribed fires on lands previously burned within the Eleven Point Ranger District.

TITLE III—OREGON AND CALIFORNIA RAILROAD GRANT LANDS TRUST, CONSERVATION, AND JOBS

SEC. 301. SHORT TITLE.

This title may be cited as the “O&C Trust, Conservation, and Jobs Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) APPLICABLE.—The term “Affiliate” has the meaning given in part 121 of title 13, Code of Federal Regulations.

(2) BOARD OF TRUSTEE S.—The term “Board of Trustees” means the Board of Trustees for the Oregon and California Railroad Grant Lands Trust appointed under section 313.

(3) COOS BAY WAGON ROAD GRANT LANDS.—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(4) FISCAL YEAR.—The term “fiscal year” means the Federal fiscal year, October 1 through the next September 30.

(5) GOVERNOR.—The term “Governor” means the Governor of the State of Oregon.

(6) O&C REGION PUBLIC DOMAIN LANDS.—The term “O&C Region Public Domain lands” includes—

(A) all lands in the State of Oregon that contained a portion of the Oregon and California Railroad Grant lands as of January 1, 2013, each of which were transferred to the management authority of the O&C Trust and, immediately before such transfer, were managed by the Board of Land Management; and

(B) all lands in the State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181g).

(7) RESERVE FUND.—The term “Reserve Fund” means the reserve fund created by the Board of Trustees under section 315(b).

(8) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to Oregon and California Railroad Grant lands that are transferred to the management authority of the O&C Trust and, immediately before such transfer, were managed by the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to Oregon and California Railroad Grant lands that are transferred to the management authority of the O&C Trust and, immediately before such transfer, were part of the National Forest System; or the Secretary appointed to the Forest Service under section 321.

(9) STATE.—The term “State” means the State of Oregon.

(10) TRANSITION PERIOD.—The term “transition period” means the three fiscal-year period specified in section 331 following the appointment of the Board of Trustees during which—

(A) the O&C Trust is created; and

(B) interim funding of the O&C Trust is secured.

(11) TRIBAL LANDS.—The term “Tribal lands” means any of the lands transferred to the Cow Creek Band of the Umpqua Tribe of Indians or the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians under title D.

Subtitle A—Trust, Conservation, and Jobs

CHAPTER 1—CREATION AND TERMINATION OF THE O&C TRUST

SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF O&C TRUST LANDS.

(a) CREATION.—The Oregon and California Railroad Grant Lands Trust is established effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees. As management authority over the surface estate of the O&C Trust lands is transferred to the O&C Trust during the transition period pursuant to section 331, the transferred lands shall be held in trust for the benefit of the O&C Trust counties.

(b) TRUST PURPOSE.—The purpose of the O&C Trust is to produce annual maximum sustained revenues in perpetuity for O&C Trust counties by managing the timber resources on O&C Trust lands on a sustained-yield basis subject to the management requirements of section 314.

(c) DESIGNATION OF O&C TRUST LANDS.—

(1) LANDS INCLUDED.—Except as provided in paragraph (2), the O&C Trust lands shall include all of the lands containing the stands of trees described in subsection (d) that are located, as of January 1, 2013, on Oregon and California Railroad Grant lands and O&C Region Public Domain lands.

(2) LANDS EXCLUDED.—O&C Trust lands shall not include any of the following Oregon and California Railroad Grant lands and O&C Region Public Domain lands:

...
Region Public Domain lands (even if the lands are otherwise described in subsection (d)).

(D) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.

(E) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(F) Oregon treasures addressed in subtitle C, as operationally determined for all purposes by the Bureau of Land Management and filed pursuant to paragraph (2); and

(G) Tribal lands addressed in subtitle D.

(2) COVERED STANDS OF TIMBER.—(A) Federal lands within the National Wild and Scenic Rivers System of January 1, 2013, consists of Oregon and California Railroad Grant lands or O&C Region Public Domain lands.

(B) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(C) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.

(D) Federal lands included in the National Wild and Scenic Rivers System of January 1, 2013.

(E) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(F) Oregon treasures addressed in subtitle C, as operationally determined for all purposes by the Bureau of Land Management and filed pursuant to paragraph (2); and

(G) Tribal lands addressed in subtitle D.

(3) Delineation of boundaries by forest service.—The O&C Trust lands consist of stands of timber that have previously been used for timber harvesting or that have been materially altered by natural disturbances since 1886. Most of these stands are more than 40 years old or contain all or a predominant stand age of 125 years or less. The boundaries of all such stands can be classified as having a predominant stand age of 125 years or less.

(4) Adjustments, limitations, and exceptions.—(A) No impact on determining title or property ownership boundaries.—Stand boundaries identified under paragraph (2) or (3) shall not be relied upon for purposes of determining title or property ownership boundaries. If the boundary of a stand identified under paragraph (2) or (3) extends beyond the property boundaries of Federal lands included in the O&C Trust lands, or O&C Region Public Domain lands, as such property boundaries exist on the date of enactment of this Act, then such boundary is deemed adjusted by this subparagraph to coincide with the property ownership boundary.

(B) Effect of data errors or inconsistencies.—Data errors or inconsistencies may result in parcels of land along property ownership boundaries that are unintentionally omitted from the O&C Trust lands that are identified under paragraph (2) or (3). In order to correct such errors, any parcel of land that satisfies all of the following criteria is hereinafter deemed to include as part of the O&C Trust lands:

(i) The parcel is within the ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands on the date of the enactment of this Act.

(ii) The parcel satisfies the description in paragraph (1) on the date of enactment of this Act.

(iii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(C) No impact on land exchange authority.—Nothing in this subsection is intended to limit the authority of the Trust and the Forest Service to engage in land exchanges or transfers of non-Federal land as provided elsewhere in this title.

(5) Miners.—(A) General.—Mineral and other sub-surface rights in the O&C Trust lands are retained by the United States or other owner of such rights as of the date on which management authority over the surface estate of the lands are transferred to the O&C Trust.

(B) Rock and gravel.—(A) Use authorized. Purpose.—For maintenance or construction on the road system under section 321 or lands designated under subtitle D, the O&C Trust shall be treated as the beneficial owner of the surface estate of the O&C Trust lands for purposes of all legal proceedings involving the O&C Trust lands.

(6) Roads.—(A) In general.—Except as provided in subsection (b), the O&C Trust shall have authority and responsibility over, and assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphe:

(i) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands that are administered by the Bureau of Land Management immediately before the date of the enactment of this Act, except that the Secretary of Agriculture shall assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphs:

(ii) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands that are administered by the Forest Service under section 321.

(iii) The parcel is within the ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands on the date of the enactment of this Act.

(ii) The parcel satisfies the description in paragraph (1) on the date of enactment of this Act.

(iii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(ii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(C) No impact on land exchange authority.—Nothing in this subsection is intended to limit the authority of the Trust and the Forest Service to engage in land exchanges or transfers of non-Federal land as provided elsewhere in this title.

(6) Roads.—(A) In general.—Except as provided in subsection (b), the O&C Trust shall have authority and responsibility over, and assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphs:

(i) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands that are administered by the Bureau of Land Management immediately before the date of the enactment of this Act, except that the Secretary of Agriculture shall assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphs:

(ii) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands that are administered by the Forest Service under section 321.

(iii) The parcel is within the ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands on the date of the enactment of this Act.

(ii) The parcel satisfies the description in paragraph (1) on the date of enactment of this Act.

(iii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(C) No impact on land exchange authority.—Nothing in this subsection is intended to limit the authority of the Trust and the Forest Service to engage in land exchanges or transfers of non-Federal land as provided elsewhere in this title.
(3) **COMPLIANCE WITH CLEAN WATER ACT.**—All roads used, constructed, or reconstructed under this section of the O&C Trust must comply with requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) applicable to private lands through the development procedures under the Oregon Forest Practices Act.

(d) **PUBLIC ACCESS.**—

(1) **GENERAL.**—Subject to paragraph (2), public access to O&C Trust lands shall be preserved consistent with the policies of the Secretary concerning applicable to the O&C Trust lands as of the date on which management of the surface estate of the lands is transferred to the O&C Trust.

(2) **RESTRICTIONS.**—The Board of Trustees may limit or control public access for reasons other than for a purpose for which the O&C Trust was created.

(f) **REMEDY.**—An O&C Trust county shall have all of the rights and remedies that would accrue to a beneficiary of a trust. An O&C Trust county shall provide the Board of Trustees, the Secretary concerned, and the Attorney General with not less than 60 days' notice to sue to enforce the O&C Trust county's rights under the O&C Trust.

(g) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), judicial review of any provision of this title shall be sought in the United States District Court for the District of Columbia. Parties seeking judicial review of the validity of any provision of this title must file suit within 90 days after the date of enactment of this Act and any preliminary injunctive relief or stays pending appeal will be permitted. If multiple cases are filed under this paragraph, the Court shall consolidate the cases. The Court must rule on any action brought under this paragraph within 180 days.

(2) **DECISIONS OF BOARD OF TRUSTEES.**—Decisions of the Board of Trustees are subject to judicial review only in an action brought by an O&C County, except that nothing in this title precludes bringing a legal action against the Board of Trustees that could be brought against a private landowner for the same action.

**SEC. 313. BOARD OF TRUSTEES.**

(a) **APPOINTMENT AUTHORIZATION.**—Subject to the conditions on appointment imposed by this section, the Governor is authorized to appoint the Board of Trustees to administer the O&C Trust and O&C Trust lands. Appointments shall include the following members:

(1) **CHAIRPERSON.**—A majority of the Board of Trustees shall serve for five-year terms and may be reappointed for one consecutive term.

(2) **INITIAL APPOINTMENTS.**—In making the first appointments to the Board of Trustees, the Governor shall stagger initial appointment lengths so that two members have one-year terms, two members have four-year terms, and three members have a full five-year term.

(3) **VACANCIES.**—Any vacancy on the Board of Trustees shall be filled within 90 days by the Governor for the unexpired term of the departing member.

(b) **MEMBERS AND ELIGIBILITY.**—

(1) **NUMBER.**—Subject to subsection (c), the Board of Trustees shall consist of seven members.

(2) **RESIDENCY REQUIREMENT.**—Members of the Board of Trustees must reside within an O&C Trust county.

(3) **GEOGRAPHICAL REPRESENTATION.**—To the extent practicable, the Governor shall ensure broad geographic representation among the O&C Trust counties in appointing members to the Board of Trustees of the O&C Trust.

(4) **COMPOSITION.**—The Board of Trustees shall include the following members:

(i) **One member who represents the commercial timber, wood products, or milling industries and who represents an Oregon-based company with more than 500 employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years; and

(ii) **one member who represents the commercial wood products or milling industries and who represents an Oregon-based company with 500 or fewer employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years.

(5) **At least one of the two representatives selected in this paragraph must own commercial forest land that is adjacent to the O&C Trust lands and from which the representative has not exported unprocessed timber in the preceding five years.

(6) **One representative of the general public who has professional experience in one or more of the following fields:**

(A) Business management.

(B) Law.

(C) Accounting.

(D) Banking.

(E) Labor management.

(F) Transportation.

(G) Engineering.

(H) Public relations.

(3) **One representative of the science community who, at a minimum, holds a Doctor of Philosophy degree in wildlife biology, forestry, ecology, or related field and has published peer-reviewed academic articles in the representative's field of expertise.

(4) Three governmental representatives, consisting of:

(A) Two members who are serving county commissioners of an O&C Trust county and who are nominated by the governing bodies of a majority of the O&C Trust counties and approved by the Governor, except that the two representatives may not be from the same county;

(B) One member who holds State-wide elected office (or is a designee of such a person) or who represents a federally recognized Indian tribe or tribes within one or more O&C Trust lands.

(d) **SALE TERMS.**—

(1) **TERM.**—Except in the case of initial appointments, members of the Board of Trustees shall serve for five-year terms and may be reappointed for one consecutive term.

(2) **INITIAL APPOINTMENTS.**—In making the first appointments to the Board of Trustees, the Governor shall stagger initial appointment lengths so that two members have one-year terms, two members have four-year terms, and three members have a full five-year term.

(3) **COMPETITIVE BIDDING.**—

(a) **IN GENERAL.**—Except as otherwise provided in this title, the O&C Trust lands will be managed by the Board of Trustees in compliance with all Federal and State laws in the same manner as such laws apply to private forest lands.

(b) **TIMBER SALE PLANS.**—The Board of Trustees shall approve and periodically update management and sale plans for the O&C Trust lands consistent with the provisions specified in section 311(b). The Board of Trustees may defer sale plans during periods of depressed timber markets. The Board of Trustees, in its discretion, determines that such delay until markets improve is financially prudent and in keeping with its fiduciary obligation to the O&C Trust counties.

(c) **STAND ROTATION.**—

(1) **100-120 YEAR ROTATION.**—The Board of Trustees shall manage not less than 50 percent of the harvestable acres of the O&C Trust lands on a 100–120 year rotation. The acreage subject to 100–120 year management shall be geographically dispersed across the O&C Trust lands in a manner that the Board of Trustees, in its discretion, determines will contribute to aquatic and terrestrial ecosystem values.

(2) **BALANCE.**—The balance of the harvestable acreage of the O&C Trust lands shall be managed on any rotation age the Board of Trustees, in its discretion and in compliance with applicable State law, determines will best satisfy its fiduciary obligation to provide revenue to the O&C Trust counties.

(3) **TRAINING.**—Nothing in this subsection is intended to limit the training of the Board of Trustees to decide, in its discretion, to thin stands of timber on O&C Trust lands.

(e) **MEETINGS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Board of Trustees is authorized to establish the terms for sale contracts of timber or other forest products from O&C Trust lands.

(2) **SIT ASIDE.**—The Board of Trustees shall establish a program consistent with the provisions of the Bureau of Land Management under a March 10, 1999 Memorandum of Understanding, as amended, regarding calculation of shares and sale of timber set aside for public use by business entities with 200 or fewer employees and consistent with the regulations in part 121 of title 13, Code of Federal Regulations applicable to timber sale set aside, except that existing shares in effect on the date of enactment of this Act shall apply until the next scheduled re-computation of shares. In implementing its programs that is consistent with such Memorandum of Understanding, the Board of Trustees shall utilize the Timber Sale Procedures Handbook and other applicable procedures for conducting the Five-Year Recomputation of Small Business Share Percentages in effect on March 10, 2013.

(3) **COMPETITIVE BIDDING.**—The Board of Trustees shall solicit timber on a competitive basis.
bid basis. No less than 50 percent of the total volume of timber sold by the Board of Trustees each year shall be sold by oral bidding consistent with practices of the Bureau of Land Management as of January 1, 2013.

(e) Prohibition on Export.—

(1) In General.—As a condition on the sale of timber or other forest products from O&C Trust lands, no unprocessed timber from O&C Trust lands may be exported.

(2) Violations.—Any person who knowingly exports unprocessed timber harvested from O&C Trust lands who knowingly provides such unprocessed timber for export by another person, or knowingly sells timber harvested from O&C Trust lands to a person who лица who knowingly provides such timber for export by another person, or knowingly sells timber harvested from O&C Trust lands to a person who knows or should have known such timber is unprocessed, shall be subject to a civil penalty of not more than $5,000 per violation.

(3) Unprocessed Timber Defined.—In this subsection, the term “unprocessed timber” has the same meaning as such term in section 490(9) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 6320(9)).

(f) Integrated Pest, Disease, and Weed Management Plan.—The Board of Trustees shall develop an integrated pest and vegetation management plan to assist forest managers in identifying and minimizing the use of pesticides and herbicides approved by the Environmental Protection Agency and used in compliance with the Oregon Forest Practices Act. The plan shall include guidelines for the use of pesticides and herbicides in prioritizing and minimizing the use of pesticides and herbicides approved by the Environmental Protection Agency and used in compliance with the Oregon Forest Practices Act.

(g) Riparian Area Management.—

(1) In General.—The O&C Trust lands shall include riparian areas and be managed consistent with State law.

(2) Use of Old Growth Definition.—To the greatest extent practicable, and at the discretion of the Trustee, the definition of old growth as defined by the Old Growth Review Panel created by section 324, shall be used to meet the retention requirements applicable under paragraph (1).

(h) Riparian Area Management.—

(1) In General.—The O&C Trust lands shall include riparian areas and be managed consistent with State law.

(2) Streams.—For all fish bearing streams and all perennial non-fish-bearing streams, there shall be no removal of timber within a distance equal to the height of one site potential tree on both sides of the stream channel. For purposes of this subparagraph, “site potential tree” means the tree with the height of a site potential tree on both sides of the stream channel. For purposes of this subparagraph, “site potential tree” means the tree with the height of a site potential tree on both sides of the stream channel.

(3) Unprocessed Timber Defined.—In this paragraph, “unprocessed timber” means timber that has not been cut, delimbed, processed, or sold.

(4) Measures.—For purposes of subparagraph (1), all distances shall be measured along slopes, and all site potential trees shall be cut at a height equal to the site potential tree on both sides of the stream channel.

(5) Removal of Timber.—For purposes of subparagraph (1), no tree shall be removed if

(A) the diameter at breast height of the tree is less than 12 inches; or

(B) the tree is otherwise unsuitable for harvest.

(6) Fire Protection and Emergency Response.—The Board of Trustees shall exercise a reciprocal fire protection agreement between the State or any other entity and the Secretary of Agriculture determines that fire on any of the lands transferred under section 321 is burning uncontrollable or the Secretary, the Board of Trustees, or contracted party does not have personnel and equipment to control or extinguish the fire, the Secretary, or any forest protection association or agency under contract with the Board of Trustees for the protection of forestland against fire, shall summarily and aggressively abate the nuisance thus created and extinguish it completely.

(k) Reciprocal Fire Protection Agreement.—The Board of Trustees shall be considered to comply with the Oregon Forest Practices Act, management of the O&C Trust land by the Board of Trustees shall be considered to comply with State law (or, if applicable, Tribal law) to the extent necessary to protect the Secretary’s northern spotted owl responses following three consecutive years of surveys using the Protocol for Surveying Management Activities that May Impact Northern Spotted Owls dated February 2, 2013.

SEC. 315. DISTRIBUTION OF REVENUES FROM O&C TRUST LANDS.

(a) Annual Distribution of Revenues.—

(1) Time for Distribution; Use.—Payments to each O&C Trust county shall be made available to the general fund of the O&C Trust county as of the following fiscal year following the end of each fiscal year, to be used as any other unrestricted county fund.

(2) Amount.—The amount paid to an O&C Trust county in relation to the total distributed to all O&C Trust counties for a fiscal year shall be based on the proportion that the total assessed value of the Oregon and California Railroad Grant lands in each of the O&C Trust counties for fiscal year 1915 bears to the total assessed value of all of the Oregon and California Railroad Grant lands in the O&C Trust counties that were assessed for taxation on the Oregon and California Railroad Grant lands in each of the O&C Trust counties that were assessed for taxation on the Oregon and California Railroad Grant lands in each of the O&C Trust counties.

(3) Limitation.—After the fifth payment made under this subsection, the payment to an O&C Trust county for a fiscal year shall not exceed 110 percent of the previous year’s payment to the O&C Trust county, adjusted for inflation based on the consumer price index applicable to the geographic area in which the O&C Trust county is located.

(b) Reserve Fund.—

(1) Establishment of Reserve Fund.—The Board of Trustees shall generate and maintain a reserve fund.

(2) Deposits to Reserve Fund.—Within 10 years after creation of the O&C Trust or as soon thereafter as is practicable, the Board of Trustees shall establish and seek to maintain an annual balance of $125,000,000 in the Reserve Fund, to be derived from revenues generated from management activities in the O&C Trust lands. All annual revenue generated in excess of operating costs and payments to O&C Trust counties required by subsection (a) and payments into the Oregon and California Railroad Grant land reserve fund required by section 321(c) shall be deposited in the Reserve Fund.
likely to increase the net income to the O&C
posed for exchange.
ministratively if the exchange meets the fol-
Secretary concerned may approve a land ex-
agement of such lands.
lands, or to improve the efficiency of man-
Section 316. Land Exchange Authority.
SEC. 316. LAND EXCHANGE AUTHORITY.
(a) AUTHORITY.—Subject to approval by the
(b) APPROVAL REQUIRED; CRITERIA.—The
(c) APPROVAL REQUIRED; CRITERIA.—The
Secretary concerned may approve a land ex-
and will not impair the ability of the Board
(m) Exception.—Old growth, as defined by the
(n) Exception.—Old growth, as defined by the
Rural Action and Management Act of 1976 (43 U.S.C.
reduction of the total acreage of such lands by
(o) Exception.—Old growth, as defined by the
(Exceptions). For those lands described in subsection (m)
smallest included in the Federal Land Exchange Facili-
tion Act of 1988 (Public Law 100–409; 102 Stat. 1086), the
ommunist controlled or the Secretary or con-
tected party does not have ready and im-
ning uncontrolled or the Secretary or con-
ected party does not have ready and im-
and will not impair the ability of the Board
rural Action and Management Act of 1976 (43 U.S.C.
252–302) and the Federal Land Policy and
pended under such subsection that, taken together with all
previous exchanges involving the O&C Trust lands, have the
effect of reducing the total acreage of the O&C Trust lands by
more than five percent from the total acreage to be designated as O&C Trust lands under subsection (p).
(d) Inapplicability of Certain Laws.—Section 3 of the Oregon Public Lands Trans-
made by the Federal Land Exchange Facili-
tion Act of 1988 (Public Law 100–409; 102 Stat. 486, and
and the Act of March 1, 1911 (43 U.S.C. 480 et seq.) shall not apply to the land exchange authority provided by this section.
(e) Exchanges With Forest Service.—(1) Exchanges of lands by the Board of Trustees is authorized to engage in land ex-
changes with the Forest Service if approved by the Secretary pursuant to section 323(c).
(2) The lands to be transferred under paragraph (1) shall be the same requirements under this
section are expected to be received by the Board of Trustees administratively under this sub-
section (a) are projected to be 90 percent of the previous year’s payments.
(3) Expenditures from Conservation Fund.—The Board of Trustees shall use amounts from the O&C Trust Conservation Fund only—
(A) to fund the voluntary acquisition of conservation easements from willing private landowners in the State;
(B) to fund watershed restoration, remediation and enhancement projects within the State;
(C) to contribute to balancing values in a land exchange with willing private landowners proposed under section 322(b), if the land exchange will result in a net increase in ecosystem benefits for fish, wildlife, or rare
native plants.
SEC. 316. LAND EXCHANGE AUTHORITY.
(a) AUTHORITY.—Subject to approval by the Secretary concerned, the Board of Trustees may negotiate agreements for land

municipal districts or other local units of government for the purposes of the


to the lands.

Supt. of Documents, U.S. Government Publishing Office, 2011}
CHAPTER 3—TRANSITION

SEC. 311. TRANSITION PERIOD AND OPERATIONS.

SEC. 312. O&C TRUST MANAGEMENT CAPITALIZATION.

SEC. 313. IMPLEMENTATION OF MANAGEMENT PLAN.

SEC. 314. SUPPORT.

SEC. 315. MANAGEMENT COOPERATION.

SEC. 316. JUDICIAL REVIEW.
SEC. 355. REPEAL OF SUPERSEDED LAW RELATING TO OREGON AND CALIFORNIA RAILROAD GRANT LANDS.

(a) REPEAL. Except as provided in subsection (b), the Act of August 28, 1937 (43 U.S.C. 1181a et seq.) is repealed effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees.

(b) EFFECT OF CERTAIN COURT RULINGS. If, as a result of a review authorized by section 312, any provision of this subtitle shall be held to be invalid and implementation of the provision or any activity conducted under the provision shall be enjoined, the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), as in effect immediately before its repeal by subsection (a), shall be restored to full legal force and effect as if the repeal had not taken effect.

Subtitle B—Coos Bay Wagon Roads SEC. 341. TRANSFER OF MANAGEMENT AUTHORITY OVER CERTAIN COOS BAY WAGON ROAD GRANT LANDS TO COOS COUNTY, OREGON.

(a) TRANSFER REQUIRED. Except in the case of the lands described in subsection (b), the Secretary of the Interior shall transfer management authority over the Coos Bay Wagon Road Grant lands in the State of Oregon pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), to the Coos County government. The transfer shall be completed not later than one year after the date of the enactment of this Act.

(b) TRANSFER UNDER SUBSECTION (a) SHALL NOT INCLUDE ANY OF THE FOLLOWING COOS BAY WAGON ROAD GRANT LANDS:

(1) Federal lands within the National Landscape Conservation System as of January 1, 2013.

(2) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.

(3) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.


(5) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(6) All stands of timber generally older than 70 years, as of January 1, 2013, which shall be conclusively determined by reference to the polygon spatial data layer in the electronic data compilation filed by the Bureau of Land Management based on the predominant birth-date attribute, and the boundaries of such stands shall be conclusively determined for all purposes by the global positioning system coordinates for such stands.

(7) Tribal lands addressed in subtitle D.

(c) MANAGEMENT.

(1) IN GENERAL. Coos County shall manage the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) and administrated under section 314, and for purposes of applying such section, “Board of Trustees” shall be deemed to mean “Coos County” and “O&C Trust lands” shall be deemed to mean the transferred lands.

(2) RESPONSIBILITY FOR MANAGEMENT COSTS. Coos County shall be responsible for all management, administrative, and survey costs of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a).

(d) MANAGEMENT CONTRACTS. Coos County may contract, if competitively bid, with one or more public, private, or tribal entities, including (but not limited to) the Coquille Indian Tribe or the Coos Bay Tribes, to manage and administer the lands.

(d) TREATMENT OF REVENUES.

(1) IN GENERAL. All revenues generated from the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) shall be deposited in the general fund of the Coos County treasury to be used as other unrestricted county funds.

(2) TREASURY. As soon as practicable following the end of the third fiscal year of the transition period and in each of the subsequent seven fiscal years, Coos County shall submit a payment of $400,000 to the United States Treasury.

(3) DOUGLAS COUNTY. Beginning with the first fiscal year for which management of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) generates net positive revenues, and for all subsequent fiscal years, Coos County shall transmit a payment to the general fund of the Douglas County treasury from the net revenues generated from the lands. The payment shall be made as soon as practicable following the end of each fiscal year and the amount of the payment shall bear the same proportion to total net revenues for the fiscal year as the proportion of the Douglas County Grant lands to Coos Bay Wagon Road Grant lands in Douglas County in relation to all Coos Bay Wagon Road Grant lands in Coos and Douglas Counties as of January 1, 2013.

SEC. 342. DESIGNATION OF COOS BAY WAGON ROAD GRANT LANDS TO FOREST SERVICE.

The Secretary of the Interior shall transfer administrative jurisdiction over the Coos Bay Wagon Road Grant lands excluded by paragraphs (1) through (6) of section 313(b) to the Secretary of Agriculture for inclusion in the National Forest System and administration by the Forest Service as provided in section 322.

SEC. 343. LAND EXCHANGE AUTHORITY.

Coos County may recommend land exchanges to the Secretary of Agriculture and carry out such land exchanges in the manner provided in section 316.

Subtitle C—Oregon Treasures CHAPTER I—WILDERNESS AREAS SEC. 351. DESIGNATION OF DEVIL’S STAIRCASE WILDERNESS

(a) DESIGNATION. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land in the State of Oregon administered by the Forest Service and the Bureau of Land Management, comprising approximately 58,100 acres, which are approximately depicted on the map titled “Devil’s Staircase Wilderness Proposal”, dated October 26, 2009, consisting of lands along approximately 30,520 acres, as generally depicted on the map titled “Devil’s Staircase Wilderness” and approximately 58,100 acres, as generally depicted on the map titled “Devil’s Staircase Wilderness Proposal”, dated October 26, 2009, are hereby included in the National Wilderness Preservation System and to be known as the “Devil’s Staircase Wilderness”.

(b) MAP AND LEGAL DESCRIPTION. As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a). The map and legal description shall have the same force and effect as if included in this subdivision, except that the Secretary may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map, the map shall control. The map and legal description shall be filed on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) ADMINISTRATION.

(1) Subject to valid existing rights, the Devil’s Staircase Wilderness Area shall be administered by the Secretaries of Agriculture and the Interior, in accordance with the Wilderness Act and the Oregon Wilderness Act of 1984, except that, with respect to the wilderness area, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) FOREST SERVICE ROADS. As provided in section 322 of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary of Agriculture shall:

(A) decommission any National Forest Service road within the wilderness boundaries; and

(B) convert Forest Service Road 4100 within the wilderness boundary to a trail for public recreational use.

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS. Any land within the boundary of the wilderness area designated by this section that is acquired by the United States shall—

(1) become part of the Devil’s Staircase Wilderness Area; and

(2) be managed in accordance with this section and any other applicable law.

(e) FISH AND WILDLIFE. Nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State of Oregon with respect to fish and wildlife in the national forests.

(f) WITHDRAWAL. Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness area by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(g) PROTECTION OF TRIBAL RIGHTS. Nothing in this section shall be construed to diminish—

(1) the existing rights of any Indian tribe; or

(2) tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

SEC. 352. EXPANSION OF WILD ROGUE WILDERNESS AREA.

(a) EXPANSION. In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Bureau of Land Management, comprising approximately 100,000 acres, as depicted on the map entitled “Wild Rogue”, dated September 16, 2010, are hereby included in the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

(b) MAPS AND LEGAL DESCRIPTIONS.

(1) IN GENERAL. As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and a legal description of the wilderness area designated by this section, with the Committees on Appropriations and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives.

(2) FORCE OF LAW. The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY. Each map and legal description filed under paragraph (1) shall be available for public inspection in the appropriate offices of the Forest Service.

(c) ADMINISTRATION. Subject to valid existing rights, the area designated as wilderness by this section shall be administered by the Secretary of Agriculture in accordance
with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal lands designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

CHAPTER 2—WILD AND SCENIC RIVER DESIGNATED AND RELATED PROTECTIONS

SEC. 361. WILD AND SCENIC RIVER DESIGNATIONS, MOLALLA RIVER.

(a) DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(1) MOLALLA RIVER, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

(A) The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the end of the Bureau of Land Management boundary in section 6, T. 6 S., R. 3 E., sec. 7.

(B) The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary to the public land boundary in section 5, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.”.

(b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking “SQUAW CREEK” and inserting “WHYCHUS CREEK”; and

(2) in the first sentence preceding subparagraph (A), by striking “McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek” and inserting “Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek”;

and

(3) in subparagraph (B), by striking “McAllister Ditch” and inserting “Plainview Ditch”.

SEC. 362. WILD AND SCENIC RIVERS ACT TECHNICAL CORRECTIONS RELATED TO CHETCO RIVER.

Section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(80)) is amended—

(1) by inserting before the “The 44.5-mile” the following:

“(A) DESIGNATIONS.—

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and by moving the margin 2 ems to the right of the river.

(3) in clause (i), as redesignated—

(A) by striking “25.5-mile” and inserting “27.5-mile”; and

(B) by redesigning “Boulder Creek at the Kalmiopeis Wilderness boundary” and inserting “Missatla Creek”; and

(4) in clause (ii), as redesignated—

(A) by striking “8” and inserting “7.5”; and

(B) by striking “Boulder Creek” and inserting “Missatla Creek”; and

(C) by striking “Steel Bridge” and inserting “Boulder Creek”;

(5) in clause (iii), as redesignated—

(A) by striking “11” and inserting “9.5”; and

(B) by striking “Steel Bridge” and inserting “Eagle Creek”;

and

(6) by adding at the end the following:

“(B) WITHDRAWAL.—Subject to valid rights, the Federal lands within the boundaries of the river segments designated by subparagraph (A), is withdrawn from all forms of—

“(i) entry, appropriation, or disposal under the public land laws;

“(ii) location, entry, and patent under the mining laws; and

“(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.”.

SEC. 363. WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the Rogue River, Oregon) is amended by adding at the end the following:

“(E) WASSON CREEK, OREGON.—

(A) The 4.2-mile segment from the eastern edge of section 17 downstream to the boundary of sections 11 and 12 to be administered by the Secretary of Interior as a wild river.

(B) The 5.9-mile segment downstream from the boundary of sections 11 and 12 to the private land boundary in section 22 to be administered by the Secretary of Agriculture as a wild river.”.

SEC. 364. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.

(a) DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the Rogue River) is amended by adding the following—

“(G) EAST FORK RUM CREEK.—The approximately 1.5 miles of East Rum Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 10, W.M. to the confluence with the Rogue River as a wild river.

(H) RUM CREEK.—The approximately 1.2 miles of Rum Creek within the Wild Rogue Wilderness boundary in T33S, R9W, sec. 19, W.M. to the confluence with the Rogue River as a wild river.

(I) RUSSIAN CREEK.—The approximately 2.5 miles of Russian Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 20, W.M. to the confluence with the Rogue River as a wild river.

(J) MULE CREEK.—The approximately 6.3 miles of Mule Creek from east section line of T23S, R10W, sec. 29, W.M. to the confluence with the Rogue River as a wild river.

(K) ANNA CREEK.—The approximately 3.5-mile section of Anna Creek from its headwaters to the confluence with Howland Creek as a wild river.

(L) MISSOURI CREEK.—The approximately 1.6 miles of Missouri Creek from the Wild Rogue Wilderness boundary in T38S, R18W, sec. 12, W.M. to the confluence with the Rogue River as a wild river.

(M) JENNY CREEK.—The approximately 1.8 miles of Jenny Creek from the Wild Rogue Wilderness boundary in T38S, R18W, sec. 26, W.M. to the confluence with the Rogue River as a wild river.

(N) MONTGOMERY CREEK.—The approximately 1.8-mile section of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.

(0) EAST FORK RUM CREEK.—The approximately 1.5 miles of East Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 10, W.M. to the confluence with the Rogue River as a wild river.

(P) LITTLE WINDY CREEK.—The approximately 1.9 miles of Little Windy Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

(Q) HOWARD CREEK.—

(i) The approximately 0.3 miles of Howard Creek from its headwaters to 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

(ii) The approximately 6.9 miles of Howard Creek from 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

(R) MCKINLEY CREEK.—The approximately 0.3 miles of McKinley Creek from its headwaters to 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

(S) ISKUT CREEK.—The approximately 0.3 miles of Iskut Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a recreational river.

(T) DELOREAN CREEK.—The approximately 0.8 miles of Delorean Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a scenic river.

(U) WILLOW CREEK.—The approximately 0.6 miles of Willow Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a scenic river.

(V) GLEN HAVEN CREEK.—The approximately 0.7 miles of Glen Haven Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a scenic river.

(W) RUSSIAN CREEK.—The approximately 2.5 miles of Russian Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 19, W.M. to the confluence with the Rogue River as a wild river.

(X) ALDER CREEK.—The approximately 1.2 miles of Alder Creek from its headwaters to the confluence with the Rogue River as a wild river.

(Y) BOOZE CREEK.—The approximately 1.5 miles of Booze Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a scenic river.

(Z) CREEK.—The approximately 0.3 miles of Creek from its headwaters to 0.1 mile downstream of road 34–8–36 as a scenic river.

(i) The approximately 0.3 miles of Howard Creek from its headwaters to 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

(ii) The approximately 6.9 miles of Howard Creek from 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

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the confluence with the Rogue River as a wild river.

(2) BRONCO CREEK.—The approximately 1.8 miles of Bronco Creek from its headwaters to the confluence with the Rogue River as a wild river.

(AA) COPSEY CREEK.—The approximately 1.5 miles of Copsey Creek from its headwaters to the confluence with the Rogue River as a wild river.

(BB) CORRAL CREEK.—The approximately 0.5 miles of Corral Creek from its headwaters to the confluence with the Rogue River as a wild river.

(CC) COWLEY CREEK.—The approximately 0.9 miles of Cowley Creek from its headwaters to the confluence with the Rogue River as a wild river.

(DD) DITCH CREEK.—The approximately 1.8 miles of Ditch Creek from the Wild Rogue Wilderness boundary in T33S R8W sec. 3 W.M. to the confluence with the Rogue River as a wild river.

(EE) FRANCIS CREEK.—The approximately 0.9 miles of Francis Creek from its headwaters to the confluence with the Rogue River as a wild river.

(FF) LONG GULCH.—The approximately 1.1 miles of Long Gulch from the Wild Rogue Wilderness boundary in T33S R10W sec. 23 W.M. to the confluence with the Rogue River as a wild river.

(GG) LONG CREEK.—The approximately 1.7 miles of Bailey Creek from the west section line of T34S R8W sec. 14 W.M. to the confluence with the Rogue River as a wild river.

(HH) SHADY CREEK.—The approximately 0.7 miles of Shady Creek from its headwaters to the confluence with the Rogue River as a wild river.

(ID) SLIDE CREEK.—

(1) The approximately 0.5 mile section of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-4 as a scenic river.

(2) The approximately 0.7 mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River as a wild river.

(b) MANAGEMENT.—All wild, scenic, and recreation classified segments designated by the amendment made by subsection (a) shall be managed as part of the Wild Rogue and Scenic River.

(c) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by the amendment made by subsection (a) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 365. ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.

(a) WITHDRAWAL.—Subject to valid rights, the Federal land within a quarter-mile of each side of the streams listed in subsection (b) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) STREAM SEGMENTS.—Subsection (a) applies the following tributaries of the Rogue River:

(1) KELSEY CREEK.—The approximately 4.5 miles of Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 10.

(2) EAST FORK KELSEY CREEK.—The approximately 2 miles of East Fork Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 5.

(3) EAST FORK WHISKEY CREEK.—The approximately 0.7 miles of East Fork Whisky Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 11.

(4) LITTLE WINDY CREEK.—The approximately 1.2 miles of Little Windy Creek from its headwaters to west section line of 33S 9W sec. 34.

(5) MULE CREEK.—The approximately 5.1 miles of Mule Creek from its headwaters to east section line of 33S 10W sec. 25.

(6) MISSOURI CREEK.—The approximately 3.1 miles of Missouri Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 26.

(7) JENNY CREEK.—The approximately 3.1 miles of Jenny Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 19.

(8) RUM CREEK.—The approximately 2.2 miles of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 9.

(9) EAST FORK RUM CREEK.—The approximately 0.5 miles of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 20.

(10) NWITT CREEK.—The approximately 1.4 miles of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 19.

(11) QUAIL CREEK.—The approximately 0.8 miles of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 1.

(12) RUSSIAN CREEK.—The approximately 1 mile of Russian Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 20.

(13) DITCH CREEK.—The approximately 0.7 miles of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 26.

(14) LONG GULCH.—The approximately 1.4 miles of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 23.

(15) BAILEY CREEK.—The approximately 1.4 miles of Bailey Creek from its headwaters to west section line of 33S 8W sec. 14.

(16) QUARTZ CREEK.—The approximately 3.3 miles of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek.

(17) NORTH FORK GALICE CREEK.—The approximately 5.7 miles of North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

(18) GRAVE CREEK.—The approximately 10.2 mile section of Grave Creek from its headwaters to its confluence of Wolf Creek downstream to the confluence with the Rogue River.

(19) CENTENNIAL GULCH.—The approximately 2.2 miles of Centennial Gulch from its headwaters to its confluence with the Rogue River.

CHAPTER 3—ADDITIONAL PROTECTIONS

SEC. 371. LIMITATIONS ON LAND ACQUISITION.

(a) PROHIBITION ON USE OF CONDEMNATION.—The Secretary of the Interior or the Secretary of Agriculture may not acquire by condemnation any land or interest within the boundaries of the river segments or wilderness designated by this subtitle.

(b) LAND USE.—Required.—Private or non-Federal public property shall be included within the boundaries of the river segments or wilderness designated by this subtitle, unless the owner of this property has consented in writing to having that property included in such boundaries.

SEC. 372. OVERFLIGHTS.

(a) IN GENERAL.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the wilderness designated by this subtitle, including military overflights and operations that can be seen or heard from within the wilderness.

(b) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over wilderness designated by this subtitle.

SEC. 373. BUFFER ZONES.

Nothing in this subtitle—

(1) establishes or authorizes the establishment of protective buffer zones around the boundaries of the river segments or wilderness designated by this subtitle; or

(2) precludes, limits, or restricts an activity from being conducted outside such boundaries, including an activity that can be seen or heard from within such boundaries.

SEC. 374. PREVENTION OF WILDFIRES.

The designation of a river segment or wilderness by this subtitle or the withdrawal of the Federal land under this subtitle shall not be construed to interfere with the authority of the Secretary of Interior or the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires, or authorizations creating firebreaks that threaten areas outside the boundary of the wilderness, or the use of mechanized equipment for wildfire pre-suppression and suppression.

SEC. 375. LIMITATION ON DESIGNATION OF CERTAIN LANDS IN OREGON.

A national monument designation under the Act of June 8, 1906 (commonly known as the Antiquities Act; 16 U.S.C. 431 et seq.) within or on any portion of the Oregon and California Railroad Grant Lands or the O&C Public Domain of whether management authority over the lands are transferred to the O&C Trust pursuant to section 311(c)(1), the lands are excluded from the O&C Trust pursuant to section 311(c)(2), or the lands are transferred to the Forest Service under section 321, shall only be made pursuant to Congressional approval in an Act of Congress.

CHAPTER 4—EFFECTIVE DATE

SEC. 381. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall take effect on October 1 of the second fiscal year of the transition period.

(b) EXCEPTION.—If, as a result of a judicial review authorized by section 312, any provision of subtitle A is held to be invalid and implementation of the provision or any activity conducted under the provision is enjoined, this subtitle and the amendments made by this subtitle shall not have effect, or if the effective date specified in subsection (a) has already occurred, this subtitle shall have no force and effect and the amendments made by this subtitle are repealed.

Subtitle D—Tribe Trust Lands

PART 1—COUNCIL CREEK LAND CONVEYANCE

SEC. 382. DEFINITIONS.

In this part:

(1) COUNCIL CREEK LAND.—The term “Council Creek Land” means the approximately 17,519 acres of land, as generally depicted on the map entitled “Canyon Mountain Land” means the approximately 17,519 acres of land, as generally depicted on the map entitled “Canyon Mountain Land Conveyance” and dated June 27, 2013.

(2) TRIBE.—The term “Tribe” means the Confederated Tribes of the Umpqua Tribe of Indians.

SEC. 382. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right,
title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, and appurtenances to the land, shall be—
(1) held in trust by the United States for the benefit of the Tribe; and
(2) part of the reservation of the Tribe.
(b)-in the case of any land, including oil and gas, shall be—
(1) held in trust by the United States for the benefit of the Tribe; and
(2) part of the reservation of the Tribe.

SEC. 395. DEFINITIONS.
In this part:
(1) OREGON COASTAL LAND.—The term "Oregon Coastal land" means the approximately 14,804 acres of land, as generally depicted on the map entitled "Oregon Coastal Land Conveyance" and dated May 5, 2013.
(2) CONFEDERATED TRIBES.—The term "Confederated Tribes" means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

SEC. 396. CONVEYANCE.
(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—
(1) held in trust by the United States for the benefit of the Confederated Tribes; and
(2) part of the reservation of the Confederated Tribes.
(b) SURVEY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 397. MAP AND LEGAL DESCRIPTION.
(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Council Creek land with—
(1) the Committee on Energy and Natural Resources of the Senate; and
(2) the Committee on Natural Resources of the House of Representatives.
(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subdivision, except that the Secretary of the Interior may correct any clerical or typographical errors in the map or legal description.

SEC. 398. ADMINISTRATION.
(a) IN GENERAL.—Unless expressly provided in this part, nothing in this part affects any right or claim of the Consolidated Tribes existing on the date of enactment of this Act to any land or interest in land.
(b) PROHIBITIONS.—
(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.
(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 392 shall not be eligible, or used, for any gaming activity carried on under Public Law 100–497 (25 U.S.C. 2701 et seq.).
(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Oregon Coastal land shall be managed in accordance with all applicable Federal laws.

TITLE IV—COMMUNITY FOREST MANAGEMENT DEMONSTRATION

SEC. 401. PURPOSE AND DEFINITIONS.
(a) PURPOSE.—The purpose of this title is to demonstrate the economic activity for counties and local governments by establishing a demonstration program for local, sustainable forest management.
(b) DEFINITIONS.—In this title:
(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Advisory Committee appointed by the Governor of a State for the "Forest Service" in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500).
(d) TREATMENT UNDER CERTAIN OTHER LAWS.—National Forest System land included in a community forest demonstration area shall not be considered Federal land for purposes of—
(1) making payments to counties under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or
(2) title I.
(e) ACREAGE LIMITATION.—Not more than a total of 4,000,000 acres of National Forest System land may be established as community forest demonstration areas.
(f) RECOGNITION OF VALID AND EXISTING RIGHTS.—Nothing in this title shall be construed to limit or restrict—
(1) access to National Forest System land included in a community forest demonstration area for hunting, fishing, and other related purposes; or
(2) valid and existing rights regarding such National Forest System land, including
rights of any federally recognized Indian tribe.

SEC. 403. ADVISORY COMMITTEE.
(a) APPOINTMENT.—A community forest demonstration area in a State shall be managed by an Advisory Committee appointed by the Governor of the State.
(b) COMPOSITION.—The Advisory Committee for a community forest demonstration area in a State shall include, but is not limited to, the following members:
(1) A member who holds county or local elected office, appointed from each county or local governmental unit in the State containing community forest demonstration area.
(2) One member who represents the commercial timber, wood products, or milling industry.
(3) One member who represents persons holding Federal grazing or other land use permits.
(4) One member who represents recreational users of National Forest System land.
(c) TERMS.—
(1) IN GENERAL.—Except in the case of certain terms appointments required by paragraph (2), members of an Advisory Committee shall serve for a term of three years.
(2) INITIAL APPOINTMENTS.—In making initial appointments to an Advisory Committee, the Governor making the appointments shall stagger terms so that at least one-third of the members will be replaced every three years.
(d) COMPENSATION.—Members of a Advisory Committee shall serve without pay, but may be reimbursed from the funds made available for the management of a community forest demonstration area for the actual and necessary travel and subsistence expenses incurred by members in the performance of their duties.

SEC. 404. MANAGEMENT OF COMMUNITY FOREST DEMONSTRATION AREAS.
(a) ASSUMPTION OF MANAGEMENT.
(1) CONFIRMATION.—The Advisory Committee appointed for a community forest demonstration area shall assume all management authority with regard to the community forest demonstration area as soon as the Secretary confirms that—
(A) the National Forest System land to be included in the community forest demonstration area meets the requirements of subsections (b) and (c) of section 402;
(B) the Advisory Committee has been duly appointed under subsection (a) and is able to conduct business; and
(C) provision has been made for essential management services for the community forest demonstration area.
(2) SCOPE AND TIME FOR CONFIRMATION.—The determination of the Secretary under paragraph (1) is subject to confirming whether the conditions specified in subparagraphs (A) and (B) of such paragraph have been satisfied. The Secretary shall make the determination not later than 60 days after the date of the appointment of the Advisory Committee.
(b) EFFECT OF FAILURE TO CONFIRM.—If the Secretary determines that either or both conditions specified in subparagraphs (A) and (B) of paragraph (1) are not satisfied for confirmation of an Advisory Committee, the Secretary shall—
(A) promptly notify the Governor of the affected State and the Advisory Committee of the reasons preventing confirmation; and
(B) make a determination under paragraph (2) within 60 days after receiving a new request from the Advisory Committee that addresses the reasons that previously prevented confirmation.
(c) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of a community forest demonstration area, the Advisory Committee for the community forest demonstration area shall manage the land and resources of the community forest demonstration area and use such sums as the Advisory Committee considers to be necessary from amounts generated from that community forest demonstration area to fund the management, administration, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to the community forest demonstration area.

SEC. 405. EXTENSIONS TO COUNTIES OR LOCAL GOVERNMENTAL UNITS.—Subject to subsection (a) and section 407, the Advisory Committee for a community forest demonstration area in a State shall distribute funds generated from that community forest demonstration area to each county or local governmental unit in the State containing community forest demonstration area, in an amount proportional to the funds received by the county or local governmental unit under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 1001 et seq.).

SEC. 406. INITIAL FUNDING AUTHORITY.
(a) FUNDING SOURCE.—Counties may use such amounts as may be made available to the counties under section 501 to provide initial funding for the management of community forest demonstration area.
(b) NO RESTRICTION ON USE OF NON-FEDERAL FUNDS.—Nothing in this title restricts the Advisory Committee of a community forest demonstration area from using any non-Federal loans or other non-Federal funds for management of the community forest demonstration area.

SEC. 407. PAYMENTS TO UNITED STATES TREASURY.
(a) PAYMENT REQUIREMENT.—As soon as practicable after the end of the fiscal year in which a community forest demonstration area is established and as soon as practicable after the end of each subsequent fiscal year, the Advisory Committee of a community forest demonstration area shall make a payment to the United States Treasury.
(b) PAYMENT AMOUNT.—The payment for a fiscal year under subsection (a) with respect to a community forest demonstration area shall equal to 75 percent of the quotient obtained by dividing—
(1) the number obtained by multiplying the number of acres in the community forest demonstration area by the average annual receipts generated over the preceding 10-fiscal year period from the unit or units of the National Forest System containing that community forest demonstration area; by the average annual receipts per each Federal forest system land in that unit or unit of the National Forest System.

SEC. 408. TERMINATION OF COMMUNITY FOREST DEMONSTRATION AREA.
(a) TERMINATION AUTHORITY.—Subject to approval by the Governor of the State, the Advisory Committee for a community forest demonstration area may terminate the community forest demonstration area by a unanimous vote.
(b) EFFECT OF TERMINATION.—Upon termination of a community forest demonstration area, the Secretary shall immediately resume management of the National Forest System land that had been included in the community forest demonstration area, and the Advisory Committee shall be dissolved.
(c) TREATMENT OF UNDISTRIBUTED FUNDS.—Any amounts that remain undistributed under section 405 more than 30 days after the date of termination shall be deposited in the general fund of the Treasury for use by the Forest Service in such amounts as may be provided in advance in appropriation Acts.

TITLE V—REAUTHORIZATION AND MODERNIZATION OF SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 PENDING FULL OPERATION OF FOREST RESERVE REVENUE AREAS.

SEC. 501. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 PENDING FULL OPERATION OF FOREST RESERVE REVENUE AREAS.
(a) BENEFICIARY CONSIDERATION.—In the month of February 2015, the Secretary of Agriculture shall distribute to each beneficiary...
county (as defined in section 102(2)) a payment equal to the amount distributed to the beneficiary county for fiscal year 2010 under section 102(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 712(c)(1)).

(b) COUNTIES THAT WERE ELIGIBLE FOR DIRECT PAYMENTS.—During the month of February 2015, the Secretary of the Interior shall distribute to all counties that received a payment for fiscal year 2010 under subsection (a)(2) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 712) payments in a total amount equal to the difference between—

(A) the total amount distributed to all such counties for fiscal year 2010 under subsection (c)(1) of such section; and

(B) $27,000,000.

(2) COUNTY SHARE.—From the total amount determined under paragraph (1), each county described in such paragraph shall receive, during the month of February 2015, an amount that bears the same proportion to the total amount available under such paragraph as that county’s payment for fiscal year 2010 under subsection (c)(1) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 712) bears to the total amount distributed to all such counties for fiscal year 2010 under such subsection.

(c) REDUCTION OF 25-PERCENT AND 50-PERCENT PAYMENTS.—A county that receives a payment made under subsection (a) or (b) may not receive a 25-percent payment or 50-percent payment under such subsection.

(2) COUNTY PAYMENTS.—(A) $27,000,000.

(3) METHOD FOR 25-PERCENT PAYMENT.—From the total amount available for payment under subsection (a)(1) of section 102(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 712) bears to the total amount distributed to all such counties for fiscal year 2010 under such subsection.

(4) COUNTY PAYMENTS.—(A) $27,000,000.

SECTION 502. RESTORING ORIGINAL CALCULATION METHOD FOR 25-PERCENT PAYMENTS.

(a) AMENDMENT OF ACT OF MAY 23, 1908.—The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence—

(1) by striking “the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years” and inserting “25 percent of all amounts received for the applicable fiscal year”;

(2) by striking “said reserve” both places it appears and inserting “the national forest”;

(3) by striking “forest reserve” both places it appears and inserting “national forest”;

(b) CONFORMING AMENDMENT TO WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the Weeks Law; 16 U.S.C. 500) is amended by redefining the terms as defined in section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 712).

SECTION 503. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT GOOD-NEIGHBOR COOPERATION WITH STATES TO REDUCE WILDFIRE RISKS.

(a) DEFINITIONS.—In this section—

(1) ELIGIBLE STATE.—The term “eligible State” means a State that contains National Forest System land or Bureau of Land Management land on which restoration, management, and protection services referred to in subsection (b) include the conduct of—

(A) activities to treat insect infected forests;

(B) activities to reduce hazardous fuels;

(C) activities involving commercial harvesting or other mechanical vegetation treatments; or

(D) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(b) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration, management, and protection services referred to in section (c) on National Forest System land or land under the jurisdiction of the Bureau of Land Management, as applicable, in the eligible State.

(c) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration, management, and protection services referred to in subsection (b) include the conduct of—

(1) activities to treat insect infected forests;

(2) activities to reduce hazardous fuels;

(3) activities involving commercial harvesting or other mechanical vegetation treatments; or

(4) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(d) STATE AS AGENT.—Except as provided in subsection (b) the cooperative agreement or contract entered into under subsection (b) may authorize the State forester to serve as the agent for the Secretary in providing the restoration, management, and protection services authorized under subsection (b).

(e) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts for the provision of the management, and protection services to be provided under a cooperative agreement or contract entered into under subsection (b).

(f) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1978 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under subsection (b).

(g) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration, management, or protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or other employee of the eligible State.

(h) APPLICABLE LAW.—The restoration, management, and protection services to be provided under this section shall be performed in full compliance with—

(A) the applicable provisions of Federal law;

(B) any other applicable provisions of State law;

(C) any applicable provisions of local regulation; and

(D) applicable provisions of any other applicable provisions of law.

SECTION 504. TREATMENT AS SUPPLEMENTAL FUNDING.

None of the funds made available to a beneficiary county (as defined in section 102(2)) or other political subdivision of a State under this subdivision shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.

SECTION 505. DEFINITION OF FIRE SUPPRESSION TO INCLUDE CERTAIN RELATED ACTIVITIES.

For purposes of utilizing amounts made available to the Secretary of Agriculture or the Secretary of the Interior for fire suppression activities, including funds made available from the FLAME Fund, the term “fire suppression” includes reforestation, site reclamation, salvage operations, and replanting occurring following fire damage on lands administered by the Secretary concerned or following fire suppression efforts on such lands by the Secretary concerned.

SEC. 506. PROHIBITION ON CERTAIN ACTIONS REGARDING FOREST SERVICE ROADS AND TRAILS.

The Forest Service shall not remove or otherwise eliminate or obliterate any legally created road or trail unless there has been a specific decision, which included adequate public involvement, to de-commission the specific road or trail in question. The fact that any road or trail is a not a Forest System road or trail, or does not operate under the Forest Vehicle Use Map, shall not constitute a decision.

SUBDIVISION B—NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION

SEC. 100A. FINDINGS.

Congress finds the following:

(1) The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements necessary for telecommunications, military technologies, healthcare technologies, and more recently, for renewable energy technologies.

(2) The availability of minerals and mineral materials is essential for economic growth and energy security, support of foreign policy, national security, and the manufacturing and agricultural supply chain.

(3) The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security and general welfare of the Nation.

(4) The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:

Twenty-five years ago the United States was dependent on foreign sources for 30 nonfuel mineral materials, 6 of which the United States imported 100 percent of the Nation’s requirements, and for another 16 commodities the United States imported more than 60 percent of the Nation’s needs.

By 2011 the United States import dependence for nonfuel minerals had more than doubled from 30 to 67 commodities, 19 of which the United States imported 100 percent of the Nation’s requirements, and for another 16 commodities the United States imported more than 50 percent of the Nation’s needs.

The United States share of worldwide mineral exploration dollars was 8 percent in 2010, down from 24 percent held in the mid-1960s. In the 2012 Ranking of Countries for Mining Investment, out of 25 major mining countries, the United States ranked last with Papua New Guinea in permitting delays, and towards the bottom regarding government take and social issues affecting mining.

SEC. 100B. DEFINITIONS.

In this subdivision:

(1) STRATEGIC AND CRITICAL MINERALS.—The term “strategic and critical minerals” means minerals that are necessary—

(A) for national defense and national security purposes;

(B) for the Nation’s energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(C) to support domestic manufacturing, agricultural, housing, and infrastructure innovations, and the manufacturing and transportation infrastructure; or

(D) for the Nation’s economic security and balance of payments.

(2) AGENCY.—The term “agency” means any agency, department, or other unit of
TITLE I—DEVELOPMENT OF DOMESTIC SOURCES OF STRATEGIC AND CRITICAL MINERALS

SEC. 101. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an “infrastructure project” as described in Presidential Order “Improving Performance of Federal Permitting and Review of Infrastructure Projects” dated March 22, 2012.

SEC. 102. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall appoint a project lead who shall coordinate and consult with cooperating agencies and any other agency involved in the permitting process, project proponents to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of the permitting process, set clear permitting goals and expectations, and ensure that all responsibilities are carried out.

(b) DETERMINATION UNDER NEPA.—To the extent that the National Environmental Policy Act of 1969 applies to any mineral exploration or mine operation, the lead agency with responsibility for issuing a mineral exploration or mine permit shall determine that the action approved for the mineral exploration or mine permit does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 if the procedural and substantive safeguards of the permitting process alone, any applicable State permitting process alone, or a combination of the two processes together provide an adequate mechanism to ensure that environmental factors are taken into account.

(c) COORDINATION ON PERMITTING PROCESS.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall coordinate with all agencies involved in the permitting process by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the permitting process. The lead agency shall consider the following best practices:

(1) Referring to and relying upon baseline data, analyses and reviews performed by State agencies with jurisdiction over the proposed project.

(2) Conducting any consultations or reviews concurrently rather than sequentially to the extent consistent and in a manner consistent with the permitting process by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the permitting process. The lead agency shall consider the following best practices:

(3) Referring to and relying upon baseline data, analyses and reviews performed by State agencies with jurisdiction over the proposed project.

(4) Preparing any draft document required under the National Environmental Policy Act of 1969.


(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(e) TIME LIMIT FOR PERMITTING PROCESS.—In no case shall the total review process described in subsection (d) exceed 30 months unless agreed to by the signatories of the agreement.

(f) LIMITATION ON ADDRESSING PUBLIC COMMENTS.—The lead agency is not required to address agency or public comments that were not submitted during any public comment periods or consultation periods provided during the permitting process or as otherwise required by law.

(g) FINANCIAL ASSURANCE.—The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mine permit, the priority of the lead agency for issuing a mineral exploration or mine permit may intervene as of right in any covered civil action by a person affecting the holder of any mineral exploration or mine permit.

(h) APPLICATION TO EXISTING PERMIT APPLICATIONS.—This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section within 30 days after receiving any written request.

(i) STRATEGIC AND CRITICAL MINERALS WITHIN NATIONAL FORESTS.—With respect to strategic and critical minerals within a Federal or locally administered unit of the National Forest System, the lead agency shall:

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in State Forests, that are necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(2) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

SEC. 103. CONSERVATION OF THE RESOURCE.

In evaluating and issuing any mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the market.

SEC. 104. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to prepare a document required under the National Environmental Policy Act of 1969 shall be transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.—Abstain any extraordinary circumstance or exception required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior’s Office of the Secretary of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

TITLE II—JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO EXPLORATION AND MINING PERMITS

SEC. 201. DEFINITIONS FOR TITLE.

In this title the term “covered civil action” means a civil action against the Federal Government containing a claim under section 702 of title 5, United States Code, relating to an agency action affecting a covered civil action by a person affecting rights or obligations of the permit holder under the law of the United States.

SEC. 202. TIMELY FILINGS.

A covered civil action is barred unless filed not later than the end of a 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 203. RIGHT TO INTERVENE.

The holder of any mineral exploration or mine permit may intervene as of right in any covered civil action by a person affecting rights or obligations of the permit holder under the law of the United States.

SEC. 204. EXPEDIENT IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 205. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal right, and is the least intrusive means necessary to correct that violation.

SEC. 206. LIMITATION ON ATTORNEYS’ FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys’ fees, expenses, and other court costs.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SECRETARIAL ORDER NOT AFFIRMED.

Nothing in this subdivision shall be construed as to affect any aspect of Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, with respect to push and gas and oil leases.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from New York (Mr. RANDEL) each will control 60 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include additional material on the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?
There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Every day, honest, hardworking men and women are struggling. Far too many families haven’t seen a pay raise in years, and many have lost hope and stopped working entirely. H.R. 4, the Jobs for America Act, will strengthen the economy by creating more jobs with higher take-home pay.

The House has already passed dozens of bipartisan solutions that will break down onerous regulations and promote policies that allow businesses, large and small, to do what they do best: grow, innovate, and hire new workers.

The bill we have before us today, the Jobs for America Act, includes provisions that have strong bipartisan support in both the House and the Senate.

The research and development credit, which has been around for over 30 years, is a proven way to incentivize U.S. companies to innovate, create new products, and invest in the U.S.

The United States is the only country that allows important pieces of its Tax Code to expire on a regular basis. Businesses cannot grow and invest when the Tax Code is riddled with instability and uncertainty.

Making the R&D tax credit permanent also supports good-paying jobs. According to the National Association of Manufacturers, 70 percent of research and development credit dollars are used to pay salaries of R&D workers.

The nonpartisan Joint Committee on Taxation estimates that making the R&D credit permanent could increase the amount of research and development American companies undertake by up to 10 percent. That translates into more workers, higher wages, and increased innovation here in the United States.

This bill would also make permanent bonus depreciation and section 179 expensing at higher levels, allowing businesses, farmers, and ranchers to plan for the future and expand their businesses. The result of that is more jobs and higher wages for hardworking Americans. The Tax Foundation analysis found that permanent bonus depreciation would add $182 billion to the economy and increase wages by 1 percent, which creates 212,000 jobs.

Additionally, the bill would make permanent several expired tax provisions that benefit S corporations, a popular and important business structure that is used by millions of small businesses across the country.

This commonsense effort will give small businesses some much-needed relief from the burdens of the Tax Code, allowing them to invest and create new jobs.

This bill would also repeal some of the job-killing provisions of the health care law. The current 30-hour rule in the Affordable Care Act’s employer mandate results in fewer jobs, reduced hours, and less opportunity for Americans.

By changing the definition of “full-time work,” ObamaCare places an unprecedented government regulation on workers. As a direct result, Americans across the country are losing their hours cut at work and seeing smaller paychecks. At a time when the cost of groceries, gas, and health care keep increasing, lower paychecks are simply unacceptable.

Worse of all, the law hits lower-income Americans the hardest: 2.6 million workers with a median income of under $30,000 are at risk of losing jobs or hours; 89 percent of workers impacted by the rule don’t have college degrees, 63 percent of which are women; and over half have a high school diploma or less.

So simply restoring the definition of “full-time work” to 40 hours will ensure the hardest-working Americans don’t see their hours and wages cut as a result of the health care law.

This bill also ensures that small businesses that hire veterans returning from service overseas, who already have coverage through TRICARE or the VA, are not counted under the employer mandate.

And we repeal the onerous medical device tax, which is stifling medical innovation and hurting jobs. According to a survey by AdvaMed, the medical device tax has already resulted in 14,000 jobs lost in the industry and prevented 19,000 jobs from being created. This tax is contributing to lackluster job creation and hampering medical innovation.

We have strong bipartisan support for repeal of this tax, and for repealing it before even more detrimental harm is done to the workforce and medical community.

These are only a few among a long list of policies that will ultimately get Americans back to work and increase their quality of living. With better jobs, higher take-home pay, and a stronger economy, we can offer a brighter future for our youth and ease the everyday burdens felt by individuals nationwide.

It is time to create an America that works.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I might consume. It is awkward and embarrassing to stand on this floor to discuss something described as a Jobs for America bill.

Fortunately, we Democrats don’t have to expend too much energy because of the lack of credibility that the majority party has with any type of legislation designed to help those people who are without employment.

The irony of this whole thing is that our distinguished chairman spent hours, days, weeks, and months putting together a tax reform bill that, even though it could be challenged in parts, all tax writers and people who respect the necessity of reforming the Tax Code lauded him for the work, the fairness, and, most of all, the lack of partisanship that went into that bill.

Indeed, many of the provisions that are in this bill that could better be described as measures for corporates to avoid paying taxes, many of those provisions in this bill were repealed in the chairman’s bill that he presented to the Congress to be considered for reform.

Having said that, it was a fine piece of legislation that gained support by eliminating the very same violations of equity and fair play that are now in this bill.

$58 billion tab. $560 billion cost, not paid for, not a promise to pay for. And half of this is to make permanent the extension of bonus appreciation, which all economists, including those in the Congressional Research Service, say that in order to be effective, it should not be made permanent.

In any event, I think, as we go home, we should recognize that there will be opportunity when we come back to really get together and have an effective bill.

To do this, the Republican majority should not bring to the floor bills that have passed the House and been rejected already by the Senate, but should sit down with the administration, with the Senate, with the minority in the House and work out something that is for the good of all Americans.

This happened yesterday, where we had honest, serious disagreements. But at the same time, we came together as a Congress in the House at least on what is good for the country.

So, quite frankly, I don’t think I will be using all of my time because what is before the House today is not a jobs bill but a public relations piece of political advertising.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding, and I very much appreciate his leadership on this issue.

In every State across this country, and certainly in the Commonwealth of Virginia, there are folks still looking for good full-time jobs and businesses who want to hire them but can’t for fear of government imposed regulations that increase expenses.

The administration’s tax, regulate, and spend response to this problem hasn’t worked, and it is incumbent upon us to enact necessary reforms to restore the American economy.
The legislation we consider today includes many provisions to combat excessive regulations that have already been passed by the House of Representatives and await action in the Senate, which has been moribund in dealing with these issues as a result of putting over there on the majority leader’s desk, including provisions to remove the for-sale 4-hour workweek, to permanently ban taxation of Internet access, to prevent secret settlement deals between entities and pro-regulatory plaintiffs in lawsuits, to require bureaucrats to consider the cost of regulations to small businesses, to require agencies to adopt the least costly method of implementing the law, and to require Federal agencies to submit major regulations to Congress for approval. We know these provisions will help spur our economy and create jobs. America’s labor force participation rate has essentially remained stagnant for the past several months and job creation and economic growth continue to fall short of what is needed to produce a real and durable recovery in our country. It is imperative that we again take bold steps to end the nonsense reforms, return discouraged workers to full-time jobs, and restore America to prosperity. I urge the Senate to stop stalling and to join us in this effort.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

If we were serious about passing a bill that has been rehashed in this House and no action has been taken upon it, common sense and reason would dictate that we would work with the Democrats, work with the Senate, and work with the President to get one passed.

This bill transcends over eight or nine different legislative committees, and the ranking member—one who has so much jurisdiction over this issue—would share the House and the country what parts of this bill she believes to be effective, if any of these nonsensical reforms, return discouraged workers to full-time jobs, and restore America to prosperity.

The effect of this legislative effort would be to wind up a halt all meaningful regulation on everything from payday loans to mortgage services to the types of toxics that caused the 2008 crisis. And, ironically, it would stop JOBS Act implementation dead in its tracks. Worst, this comes at a time when House Republicans want to hold funding for our financial regulators flat, despite their new responsibilities, the increase in the number of entities they oversee, and the growth in the complexity and size of U.S. financial markets.

With our economy still recovering from the $14 trillion financial crisis, we simply cannot, under the guise of so-called “job creation,” afford to destroy crucial reforms and hamstring our financial regulators.

I enter the following letter of opposition from Public Citizen into the RECORD.

PUBLIC CITIZEN, Washington, DC

A VOTE FOR THE “JOBS FOR AMERICA ACT” IS A VOTE AGAINST PUBLIC HEALTH AND SAFETY

Rep. WATERS. Mr. Speaker, I thank Mr. Rangel for yielding.

Mr. Speaker. I rise to oppose H.R. 4, the so-called Jobs for America Act.

Six years ago this week marked the collapse of Lehman Brothers. That bankruptcy on Wall Street quickly spread across our country, forcing small business lending to a halt, causing a devastating number of foreclosures, and pushing far too many of our fellow Americans into personal bankruptcy.

In one wave of this devastation, Democrats in Congress worked diligently to put in place serious and comprehensive safeguards to prevent another collapse. And, today, my Republican colleagues continue their hard work to thwart that effort and roll back meaningful reform.

Indeed, this bill, H.R. 4, places significant additional administrative hurdles on our Federal regulatory agencies, particularly on our independent financial regulators, like the Securities and Exchange Commission and the Commodity Futures Trading Commission.

Certain provisions of this bill would impose requirements on our financial regulators to conduct onerous cost-benefit analysis, to submit their rules for review to the Office of Management and Budget, and to delay effectiveness of major rules until the regulators complete an unprecedented joint resolution.

Not only would these provisions limit the independence of our Wall Street sheriffs, it would also tie up their already insufficient resources and put them at even greater risk of litigation for every rule. In fact, this bill would create a constitutional crisis by allowing the “do-nothing” Republican Congress to intervene in the actions of our executive branch, which is diligently carrying out and defending portions of the Wall Street Reform Act.

The Impact of the “Jobs for America” Act is clear and simple: it will lead to more policies: Every day, an average of 150 workers die from job injuries or occupational diseases. Every year, the lack of effective workplace safety protections costs our country 250 billion to 300 billion in injuries and illnesses. But the administration has failed to even fulfill its statutory mandate under the Clean Air Act to study the health impacts of pollution from oil and gas development.

b. Lake Erie Algae Bloom: a half million Ohio residents were forced to buy bottled water because their water had become so contaminated from algae blooms. In 2008, the government-estimates algae blooms resulted in 82 million dollars annually in economic damages: http://www.insurancejournal.com/news/south- east/2014/10/27/372956.htm

c. Oil Freight Train Explosions: Trains carrying highly explosive and flammable materials through communities every day without most of those communities even aware of the threat. A massive oil train derailment and explosion in Canada killed 47 people and will cost 2.7 billion in economic damages over the next decade. http://bangordailynews.com/2014/01/17/news/state/after-end-of-the-world-explo- sions-oc-senators-who-didnt-know/

d. Preventable Workplace Deaths and Injuries: Every day, an average of 150 workers die from job injuries or occupational diseases. Every year, the lack of effective workplace safety protections costs our country 250 billion to 300 billion in injuries and illnesses. But the administration has failed to even fulfill its statutory mandate under the Clean Air Act to study the health impacts of pollution from oil and gas development.

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e. Climate Inaction: Blocking or delaying new carbon emission rules from the EPA and other climate change measures will cost our country up to 150 billion dollars annually in economic damage in the future. http://fortune.com/2014/07/28/white-house-in-action-on-climate-change-
costs-
"BP Oil Spill: This massive environmental disaster in the Gulf ended up costing more than 42 billion dollars. The oil spill has harmed thousands of Gulf Coast residents and destroyed many local small businesses. BP has now been found “grossly negligent” in causing the disaster and faces up to $18 billion in fines, some of which will go to Gulf Coast restoration projects. http://www.edf.org/blog/2014/09/05/bp-oil-spill-ruling-clean-water-act-gulf-oil-spill-

g. 2008 Wall Street Crash: The rampant deregulation that led to the crash cost our economy anywhere from 6 trillion to 14 trillion dollars or 50,000 to 120,000 for every US household. In addition, 8.7 million Americans lost their jobs during or immediately following the crisis. http://ourfinancialsecurity.org/blog/wp-content/uploads/2012/09/Costs-of-The-Financial-Crisis-September-2014.pdf

"THE JOBS FOR AMERICA ACT" WILL NOT CREATE A SINGLE JOB

The bill trades on the fallacy that deregulation leads to job growth by freeing up capital to invest in labor. This is simply not true. The benefits of deregulation have not been felt by the unemployed, and workers have no overall effect on job growth. The claim that regulations kill jobs is the very definition of a baseless and fabricated talking point.

A thorough investigative report by the Washington Post concluded that regulations...

Conservative thinker Richard Morgenstern (Resources for the Future): “Based on the available information, there’s not much evidence that EPA regulations are causing major job losses or major job gains.”

Mike Morris, CEO of APEF, one of America’s largest coal-based utilities even admitted EPA regulations will create jobs: “We have to hire plumbers, electricians, painters, folks who do that kind of work when you retrofit a coal plant. “Jobs are created in the process—no question about that.”

A recent and exhaustive exploration of the “job-killing regulation” claim by Academics from across the political spectrum concluded that regulations have no net impact on jobs: http://www.upenn.edu/pennpress/book/15183.html

The editors of “Does Regulation Kill Jobs?” Cary Coglianese and Christopher Corrigan conclude: “the empirical work suggests that regulation plays relatively little role in affecting the aggregate number of jobs in the United States.”

Big Business “Job-Killing” Claims Are Always Wrong

Big Business groups have been making hyperbolic claims about regulations killing jobs for decades and it never comes true. Not only is this talking point patently false, but it also is being proven wrong every time. The following examples are from Public Citizen’s recent report, “It’s an Outrage: Regulations Are Entirely to Blame for Unemployment and a Leading Cause of Death, According to Industry and Allies” http://www.citizen.org/documents/regulations-are-entirely-to-blame-unemployment-death-report.pdf

1974: OSHA bans the carcinogenic vinyl chloride. The plastics industry claimed that the OSHA regulation would kill 2.2 million jobs. Those claims were proven completely false and a new way manufacture vinyl chloride was developed within a year without any jobs lost.

1975: NHTSA increases fuel efficiency standards. Industry reports warned 1.5 million jobs would be lost if cars got 28 miles per gallon when the standard increased to 30 miles per gallon. In fact, the national average fuel efficiency increased to 29.6 miles per gallon. Big Business groups are simply lying.

1990: EPA sets new pollution standards under the Clean Air Act. In response the Business Roundtable (BRT) and National Federation of Independent Business (NFIB) responded with doomsday hysterics, claiming up to 2 million jobs would be lost. Those were also proven completely false. Instead, according to the Investor’s Business Daily, “Pollution has been falling across the board for decades, even while the nation’s population and economy have expanded.”

1995: EPA removes lead from gasoline. A Monsanto official testified to Congress that the removal of lead would cost up to 45 million jobs. The removal of lead is now considered one of the biggest public health success stories while gas prices did not dramatically increase and jobs were not lost.

The New Industry-Funded Study on Regulations Doesn’t Pass the Laugh Test

The study just released by the National Association of Manufacturers (NAM) is not worth a bucket of warm spit. NAM turned to discredited economists whose last study was so poorly done and inaccurate that it was roundly criticized by observers in bipartisan Washington, including by the CRS, Republican economists, and then OIRA Administrator Cass Sunstein. The study brought so much negative attention that the agency which issued the study, the Small Business Administration, had to formally and publicly disavow it.

Business Media Push Industry-Funded Study On Federal Regulations Experts Call “Bogus”: Reuters and CNBC uncritically promoted a new report claiming that government regulations cost the economy over $2 trillion each year, ignoring any benefits of regulation. But the study uses the same flawed methodology as an earlier report by the same author that was panned in 2007 that even the organization that commissioned it distanced itself from it. http://mediamatters.org/research/2014/08/11/business-media-push-industry-funded-study-on-200732

NAM’s “Cost of Regulations” Estimate: An Exercise in How Not to Do Convincing Econometrics (75 percent) are estimated using a cross-country regression analysis. This cross-country analysis, however, is completely unconvincing and dishonest in a way that has plagued our lawmaking process to the regulatory process.

1. Regulatory Accountability Act (RAA, H.R. 2122): This bill will re-write dozens of critical public health and safety laws, including the Clean Air Act, to require agencies to choose from among different options—whether they are the most effective but on whether they are the least burdensome to regulated special interests. This bill is a naked attempt to make the government more irrelevant to the American people.

2. Regulatory Flexibility Act (RFCNS, HR: This bill is a backdoor way of gutting laws that the GOP knows to be too politically popular to over-turn directly.

3. The “Jobs for America Act” is a broken record. The “Jobs for America Act” is just a re-packaging of the same old and tired legislation that the House has already passed. Each of these bills, if enacted, will significantly decrease every year that we are in this regulatory system. Collectively, these bills amount to a virtual shutdown of our system of public protections by blocking federal agencies from helping public health and safety crises and putting forth strong new safeguards to prevent the next one.

4. The Sunshine for Regulatory Decrees Act, the Repeal of Excessive Constraints Act, and the Regulatory Accountability Act: These bills would allow the House to nullify any regulations it opposes. Even Congressional inaction would kill a regulation. This is a recipe for creating the parallel system of government that the GOP knows to be too politically popular to over-turn directly.

5. The Sunshine for Regulatory Decrees Act (RAA, H.R. 1526), the Restoring Healthy Forests for Healthy Communities Act, which passed the House almost 1 year ago today. It is a long-term sustainable solution to put Americans back to work, restore forest health, and prevent wildfires.

6. The All Economic Regulations are Unconstitutional Act (ALERT, H.R. 2804) This legislation would add a blanket six-month delay on most rules designed to protect the health, safety, and welfare of the American public. When the norm is federal agencies missing Congressional and legal dead-lines, the public is put at risk. Rather than meeting or beating deadlines, the last thing our public needs is more delays.

BOTTOM LINE

A vote for H.R. 4, the “Jobs for America Act” is a vote against life-saving public health and safety standards and will put American lives at risk without creating any jobs. We need stronger public protections, not a weaker system of safeguards. We need better enforcement of health and safety laws, and better enforcement of rules, not more needless delays. We urge you in the strongest terms to vote against the “Jobs for America Act.”

Mr. CAMP. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS), the gentleman from the Natural Resources Committee.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend, Mr. CAMP, the chairman of the Ways and Means Committee, for yielding me the floor today. Today I rise to speak on behalf of the 75,000 members of the National Farmer Union who depend on our public lands for their livelihood and the more than 20,000 forest industries and forest products producers who depend on those lands for their livelihood.

Mr. Speaker, this jobs package includes important legislation, H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act, which passed the House almost 1 year ago today. It is a long-term sustainable solution to put Americans back to work, restore forest health, and prevent wildfires.

Our national forests, unless otherwise designated, should be open for multiple uses. They should be open for recreation to job-creating economic activities. Instead, Mr. Speaker, due to onerous Federal regulations and litigation, our Federal forests have increasingly been shut down.

This bill, however, would open our National Forests, which have been closed by almost 80 percent in the last 30 years. We have seen catastrophic wildfires destroy our Federal forests. We have seen loggers, mill workers, and truck drivers put out of work, and we have seen rural communities turned into ghost towns.

It is long past time for the Senate to join with the House to provide better
Mr. JOHNSON of Georgia. I thank the gentleman for his great work.

Mr. Speaker, I rise in strong opposition to H.R. 4, the so-called Jobs for America Act. It brings to mind occasions where, as a youth, my sister and I would go to my uncle’s house in Cleveland. My uncle’s wife would prepare a lot of food, and we would sit down and eat. The food would taste terrible. We had a couple of more days to be there, and so we hoped for the best. The next day, when we sat down at dinner, we had leftovers.

This is what this bill reminds me of. It is a package of anti-consumer, anti-safety, anti-environment bills that the House has already passed. This omnibus legislation is emblematic of a Republican Party that lacks vision or direction. They are gifts from God, but we haven’t capitalized on them—the American people want something done.

This bill smacks of a new Republican leadership that is still on training wheels, unable to work across the aisle to deliver real solutions to grow the economy and create jobs; but what is new from a Republican Party that voted dozens and dozens of time to defund and defeat the Affordable Care Act, is helping American families by keeping millions of young people—they recent college graduates looking for their first job or students still in school—on their parents’ insurance and out of a cycle of unpayable medical debt?

Well, Mr. Speaker, it is time for the training wheels to come off so that this Chamber can, once again, do the work of the American people.

There is a clear, unmistakable thrust in our country for cooperation, bipartisan solutions, and getting things done. The American people look to the House of Representatives for leadership, not one-sided messaging bills that this Chamber has already warmed up, served yesterday—it was bad—and, today, we are eating the leftovers.

This Chamber has already considered and passed these bills, and they have no chance, no hope, of becoming law. The so-called Jobs for America Act includes a number of dangerous bills that make our states and communities less safe, and pass these bills, and they have no chance, no hope, of becoming law. The so-called Jobs for America Act includes a number of dangerous bills that make our states and communities less safe.

Mr. KELLY of Pennsylvania. I thank the chairman for his great work.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished and articulate Member who served on the Judiciary Committee and has a ranking position on the subcommittee that has jurisdiction over part of this bill.

Mr. JOHNSON of Georgia, I thank the gentleman from New York.

Mr. Speaker, I rise in strong opposition to H.R. 4, the so-called Jobs for America Act. It brings to mind occasions where, as a youth, my sister and I would go to my uncle’s house in Cleveland. My uncle’s wife would prepare a lot of food, and we would sit down and eat. The food would taste terrible. We had a couple of more days to be there, and so we hoped for the best. The next day, when we sat down at dinner, we had leftovers.

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This is the very fabric of who this American people are to see what actually takes place in this great House, where so much policy has been driven in the past—please, get away from the politics; we are sick of it as a people.

The opportunity is off the charts. A new day is dawning, a new opportunity is waiting to see this great country emerge again with all the assets that we have been given—and they are gifts from God, but we haven’t capitalized on them—the American people want something done.

This is a package of jobs bills, my friends. This gets America back to work, my friends. This makes America great again. This makes us who we are. This is the very fabric of who this country has always been, the greatest Nation in the world a defender of personal freedoms and liberty, but we can only do it when we have a dynamic and robust company.

It is time to stop talking politics and start talking policy. It is time to get America back to work. A new day is dawning, a new opportunity is waiting for us, and the greatest emerging economy the world has ever seen is sitting right here within our borders, and the only thing it is looking for right now is dynamic leadership and direction.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Pennsylvania, my friend, who eloquently mentioned how the Congress should and could be working more closely together. Again, I say that yesterday proved it.

I am certain that the eloquent gentleman from Pennsylvania would have to agree that, if we were passing bills in the House and they were not going anywhere, any legislator would have to find out why.

It would seem to me that we would go to the minority party, we would ask
to sit down with the Senate, we would work with the Department of Labor and the administration, and we would do that just before we were going home to attempt to get reelected.

I don't challenge the sincerity of the gentleman from Pennsylvania, but just bringing in bills that you know are not going to pass the Senate, bringing in bills the administration has already said that they would veto is not the way to success. It may be a good political statement, but it is certainly not the way to pass legislation.

I have the great honor to yield 3 minutes to the gentleman from Maryland (Mr. Cummings), who has distinguished himself nationally in terms of being a legislator with a heart and common sense.

He is the ranking member of the Oversight Committee, that has attempted to show the entire country exactly what is going on and not going on in the Congress. I look forward to his eloquent remarks on this sensitive, important subject.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to H.R. 4. The special interest bills that make up this package have all passed the House before and went nowhere in the Senate. This is not just a waste of time, it is a waste of taxpayer money. Americans work hard for their money, and here we are wasting time, and everybody knows that.

This legislation is simply a gimmick. It hurts me to even say that, but it is, in fact, a gimmick. The Republican leadership in the House cannot fool the American people by passing the same bad bills over and over again.

Just because Republican leadership has slapped the word “jobs” on this bill does not change the fact that the bill will not create jobs, and they know that. We each represent 700,000 people. Those people have sent us here with the mission of making their lives better.

The legislation we are considering today will not help the people we represent. This bill would help big corporations.

Let me give you an example. Under this legislation, private companies would have the ability to weigh in on agency rulemakings before individual citizens and most other stakeholders. That means that oil companies could weigh in on drilling regulations before the American public even gets a chance to submit comments.

Another section of the bill would explicitly prohibit the Office of Information and Regulatory Affairs from taking into account benefits when providing total cost estimates for proposed and final rules as required by the bill.

The bill also contains numerous provisions to degrade the regulatory process and make it nearly impossible for agencies to take actions that protect our health, our safety, our air, our water, and our environment.

This is a terrible piece of legislation, and I urge my colleagues to vote against it.
address offshore to avoid their tax obligations to the American people. But, no, nothing to deal with inversions. In fact, this bill rewards a number of companies that have recently engaged in inversions.

I want to call attention to section 701 of the bill because it says a lot about the priorities reflected on the floor today. That section repeals the excise tax paid by medical device companies that was put in place to help finance health care reform.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANGEL. I yield the gentlema from Maryland 30 more seconds.

Mr. VAN HOLLEN. So it repeals that—no effort to replace that. So it adds $26 billion to the deficit, just that provision. Not only that, but it repeals it going forward, and it also gives a rebate going backwards. So a company, Medtronic, which is right now moving its tax address overseas to avoid its tax obligations to the American people, is going to get a $200 million plus interest tax bonus.

So here is this bill in a nutshell: nothing to boost the middle class.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RANGEL. I yield the gentleman as much time as he may consume to close.

Mr. VAN HOLLEN. So just to wrap this up, because I hope people will focus on this, the bottom-line message of this is: sorry to see you leave our shores, but you know what? As a goodbye present, we are going to hand you $200 million in tax breaks.

That sums up the problems with this bill, Mr. Speaker. I urge my colleagues to vote "no."

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say my friend from Maryland mentioned the Hire Our Heroes Act. That received virtually every Democrat vote and Republican vote on the floor but one. I certainly trust that the gentleman from Maryland has urged his two Democrat Senators in the Senate to take this bill up and pass it. It has been sitting in the Senate. It is blocked.

Certainly, we don’t think those who fight for our country should be penalized when they come back to the United States in terms of getting their health care. This would certainly help tremendously, and it is something that has received large bipartisan support.

Every one of these provisions help create jobs, and certainly all of them have bipartisan support:

R&D, the research and development credit, 62 Democrat votes;

Section 179, extending, 53 Democrat votes;

The S corporation reform, 42 Democrat votes;

Bonus depreciation, 34 Democrat votes;

Repealing the 30-hour work week rule, 18 Democrat votes.

All of these have bipartisan support. They are all sitting in the Senate.

I heard the gentleman say maybe nothing is being done. Well, I would submit, my friends on the other side, other than voting for these bills, have nothing to urge their colleagues who have the majority in the Senate to move something that will actually get people back to work and really bring the American Dream back in reach for millions of Americans, and it isn’t now.

Mr. SPEAKERS. The yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

And I wanted to also say, the gentleman from Maryland talked about a company, and I am not familiar with this company, but a company that is moving out of America because of our burdensome Tax Code. Does that not prove the point that we need tax reform as championed by Mr. CAMP, the chairman of the Ways and Means Committee?

We need a Tax Code that is competitive. This company is probably leaving to get away from a burdensome, complicated tax system that is killing jobs. Those jobs are going overseas. They need to stay in America.

Mr. Speaker, to create jobs, we have to have a Tax Code that is clear, fair, concise, one that creates jobs. But we also need a regulatory burden that does the same thing; one that is clear; one that is concise; one that uses cost-benefit analysis.

I can’t understand why there are Members of the House that oppose cost-benefit analysis on new regulations. It is a matter of common sense, because our regulatory burden, as much as the Tax Code, is driving jobs offshore. We don’t want that.

One of the things that was lost in the debate earlier that I find just mind-boggling is the ability to fight forest fires, of all things. As Smokey the Bear says, “Only you can prevent forest fires.” Well, I guess towards this administration he is saying, “Only you can prevent forest fires through your ridiculous regulatory climate.”

And then let me say this. To create jobs in America, we need to have competitive energy. We need to use American energy resources.

As somebody who represents four military installations, I know well that it is not a matter of cheap and abundant energy for manufacturing and traveling and transportation purposes. It is also a matter of national security. Because when we depend so heavily on anti-American countries, what we are, in fact, doing is funding both sides in the war on terrorism.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. KINGSTON. We need to develop American energy, and that is what this bill does. It is commonsense tax reform, commonsense regulatory reform, and commonsense energy reform.

I am appalled that the United States Senate has not had time to take up one of these bills. And, as Mr. CAMP just outlined, as a matter of public record, the number of Democrats who have supported this piece of legislation, we need to get the Senate moving.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Maryland, I need to inform the gentleman from Georgia more about these corporations that are attempting to flee the United States, I would like to have good news for the distinguished chairman of the committee that this veterans bill has been so popular on the other side of the Capitol that it appears as though it is included in a Senate bill and, as we talk, is actually being attacked by the Republican minority on the other side. So, at least as relates to the veterans, we need to take it up and move that that has politically been put together, maybe collectively we can do something for our beloved veterans.

As far as the gentleman from Georgia is concerned, he had a problem in identifying the U.S. company that is going to receive a bonus, that is fleeing their tax obligation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN) so he can clarify those issues to explain exactly how this provision is costing us.

Mr. VAN HOLLEN. Mr. Speaker, I thank my friend.

Look, the Joint Tax Committee has suggested that if we don’t deal with this problem of corporations changing their tax address to escape their responsibilities to the citizens of this country, it will add $20 billion to the deficit, which taxpayers will have to make up.

I want to emphasize the point the gentleman made because Mr. CAMP has called upon Senate Democrats to vote on the Hire Our Heroes bill. In fact, that bill is in the Senate 2-year extender bill in the United States Senate, which is currently being blocked and filibustered by our Republican Senate colleagues.

I would also point out that the cost of that bill, which we all accept, is $700 million added to the deficit. You are now putting it in a package with all these corporate giveaways that doesn’t cost $700 million but, together, costs $753 billion to the deficit, all in an afternoon’s work.

Mr. Speaker, this is an irresponsible bill. We should vote "no."

Mr. CAMP. Mr. Speaker, I yield the gentleman from Indiana (Mr. YOUNG), a distinguished member of the Ways and Means Committee.

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to speak in support of H.R. 6, the Jobs for America Act.

The undeniable fact is the U.S. House has passed more than 40 individual jobs bills, sent them to the Senate, and
they remain untouched by the Democratic majority leader.

Many of the jobs proposals included in this broader package, H.R. 4, have bipartisan support and include common-sense ideas like extending the section 179 tax benefits for small businesses, helping our veterans get back to work, and a repeal of the medical device tax.

Medical device companies, in particular, play an integral role in my home State of Indiana and our economy—more than 71,000 jobs and $44 billion in personal income on account of the industry—and I hear every day how this tax has stifled innovation and led to a decrease in jobs for my fellow Hoosiers.

In 2013, 79 Senators, many of them champions of ObamaCare, took a symbolic vote to eliminate that tax. I hope that the Democrat-controlled Senate will move beyond political symbolism—and for many, political self-preservation—and vote to repeal this tax on innovation, job creation, and patient care.

Finally, I am pleased that two pieces of legislation which I authored are included in H.R. 4. The Save American Workers Act, which is also bipartisan, would simply change the definition of full-time employment within ObamaCare from 30 hours back to the traditional definition of 40 hours.

Now, 40 hours is what everyone agrees is full time, so let’s not further harm small business employees, school cafeteria workers, adjunct university professors, and other hourly workers with this arbitrary change in the definition of ‘full-time.’

Also included is the REINS Act. This bipartisan bill aims to relieve much of the regulatory burden on our Nation’s small- and medium-sized businesses and on all Americans who benefit from affordable goods and services.

Mr. SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. YOUNG of Indiana. The legislation ensures that, when unselected, unaccountable bureaucrats in Washington enact rules and regs that impact our economy, these regulations will be voted on by Congress to ensure that the Democrat-controlled Senate will move beyond political symbolism and for many, political self-preservation—voting to repeal this tax on innovation, job creation, and patient care.

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Mr. DOGGETT. I thank the gentleman.

Mr. Speaker, House Republicans are shutting down this House early today, and they are shutting it down with the same happy talk and tax cut hocus pocus that they focus the American people with 21 months ago, last January.

That is when Speaker BOEHRER reasserted H. Res. 1 for a form of Miracle-Gro. They were going to sprinkle around Miracle-Gro tax cuts—more regulations to ensure that everybody—and they would grow money faster than it could grow on trees. They have given us so much talk and so many press conferences about how they would do away with all of these complex special interest provisions that Republicans have spent years writing into law for their buddies—into their Tax Code—and we would all have brighter smiles and, certainly, fatter wallets. All of that joy, all of those promises, would be accomplished debt free. We would simply add an other dime from the Chinese or the Saudis or from whoever would lend it to us. We would get all that and more with their proposal.

Unfortunately, their old time medicine show failed them, but it fizzle out rather quickly.

No Democrat stood in the way of their introducing and voting in the Ways and Means Committee on a tax cut Miracle-Gro elixir. There is no reason that Speaker Mr. Speaker wanted to consider Miracle-Gro. Yet we are here today, closing out, and H. Res. 1 says on the Republican Web site that it is still reserved for the Speaker, as is most attention to any major issue in this country reserved, because these folks don’t want to work here in Washington. Instead, we get to this sorry bill today that is before us that provides more debt, more complexity, and more uncertainty.

When we consider the difficult budget choices, Republicans claim that we just don’t have enough money. As much as they would like to provide full funding for Alzheimer’s research, for cancer, for multiple sclerosis, for diabetes, for Parkinson’s, we just don’t have the money. We would like to do more to prevent the many forest fires that are spreading across the country—wildfires of all types—and provide the National Weather Service better funding to deal with the dry climate in our climate and our weather, but we just don’t have the money to do that.

And what about our roads and bridges? We can’t figure out a way to fund them, even to this time next year, because we just don’t have the money.

Yes, we would like each child to be able to accomplish their full, God-given potential, but we just can’t afford to fund from pre-K to post grad. But somehow we can afford more Miracle-Gro today—$600 billion taken right out of the debt, added to the debt.

The SPEAKER pro tempore. The time of the gentleman has expired.
Unfortunately, Dodd-Frank has placed the costly and unnecessary regulatory burden of SEC registration on advisers to private equity while exempting advisers to similar investment funds. These registration requirements do not improve the stability of the financial system, and they restrict the ability of private equity to invest capital in small businesses, which would spur job growth.

Instead of complying with costly SEC registration, private equity should be encouraged on investing capital in small businesses such as Virginia Candle, a company in our district that, through private equity investment, expanded from a garage in Lynchburg to millions of homes across the world.

That is why I, along with my colleagues Representative Cooper and Representative Himes, introduced the Small Business Capital Access and Job Preservation Act, a provision of H.R. 4 which previously passed the House with bipartisan support.

Unfortunately, the Senate has failed to consider this and dozens of other House-passed jobs bills. At a time when unemployment in Virginia’s Fifth District is still too high, the Senate needs to join us quickly in enacting pro-growth policies to spur job creation for our communities.

I ask my colleagues to join me in supporting H.R. 4 to increase the flow of private capital to our small businesses so they can innovate, grow, and create jobs for the American people.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND), my friend and a distinguished, eloquent member of the Ways and Means Committee.

Mr. KIND. I thank my friend for yielding this time.

Mr. Speaker, I am not quite sure if I have been living in a parallel universe over the last few years, but I thought there was an issue. Now I am hearing about getting a grip on our budget deficits, about trying to get our fiscal house put back in order. Yet here we are, in the eleventh hour, before they cut us loose for the fall campaign season, and we have another bill pending before this body that costs $573 billion—with a B—with not a penny of offset, with not a dime of it paid for. Then people wonder where these budget deficits come from.

What is unfortunate is some of the policy proposals in this legislation I actually support. We have got five bills coming out of the Ways and Means Committee with some permanent changes to the Tax Code that I happen to agree with, whether it is the R&D—research and development—tax credit; the 179 expensing; the S Corp Modernization bill, which is a bill that I and my friend from Washington State (Mr. LECHTERT) introduced earlier this year to help with the corporation business tax; the BDC depreciation; and the repeal of the medical device tax—again, legislation that I and my friend from Minnesota, Erik Paulsen, had introduced because we didn’t think it was a good idea for us to be taxing our domestic medical device manufacturers, especially on a pre-revenue basis.

I always believed that, with these changes, there would be no offset, that they should be paid for. That is the fiscally responsible approach to take, and yet we have a $573 billion bill with not one offset. This is following on the heels earlier this year of 15 permanent changes to the Tax Code being reported out of the Ways and Means Committee, at a cost approaching $1 trillion, with none of it being offset.

I would submit that, if we went forward on that type of policy prescription, we might as well forget about comprehensive tax reform because we wouldn’t have any tools left to do anything with.

I give the chairman of the committee, Mr. CAMP, who is going to be retiring at the end of this year, a lot of credit for trying to come out with a discussion draft on what comprehensive reform should look like. In that draft, he was making some tough decisions. He was finding offsets to lower rates and simplify the Tax Code in order to make us more competitive in the global marketplace. That is not what is being done here today.

I would request with the Republican leadership that, instead of cutting us loose today, what we ought to be doing is staying in longer and working on a true innovation agenda for our Nation, one that invests in quality educational opportunities for all of our students and good job training programs for workers in transition or for those looking to upgrade their skills so they can be competitive in the global marketplace, the crucial investments we have to make in broadband expansion, basic research funding through NIH and NSF grants and infrastructure modernization as one that is long overdue. We know we have to do it. Let’s do it now when we need the jobs. That would be a true jobs package that, I think, we could rally around so as to get this economy humming again.

Mr. RANGEL. The SPEAKER pro tempore.

Mr. RANGEL. I yield the gentleman an additional 1 minute.

Mr. KIND. Rather than this dog and pony show and the message piece that is being brought to us today, Mr. Speaker, I think the American people are a lot smarter than what some people give them credit for. They know we have a fiscal problem that has to be addressed, and I think most people would realize that, if we keep going forward with yet another bill at a cost of $573 billion, with no offsets and no payfors, it is only going to make the situation worse and truly jeopardize the economic opportunities for our children and grandchildren in the future.

Mr. Speaker, the American people wonder why median incomes are flat or are declining, why we are not growing. Then we wonder why people are achieving the American Dream. I yield the floor to the distinguished gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, Americans have been pleading for Congress to take action to spur economic growth and create jobs. And, today, the House has repeatedly acted to pass bipartisan legislation to get people back to work, and we are doing so once again today.

Today in this jobs bill is a provision that I authored to repeal the destructive medical device tax. It is destructive because it is a tax not on profit but on sales.

The medical device industry directly employs more than 400,000 people across the country and is responsible for 38,000 jobs in my home State of Minnesota. These companies create the lifesaving and life-improving technologies for our patients.

But, because of the President’s new health-care law, the device industry is now facing one of the highest effective tax rates in the world. This device tax has already resulted in the loss of 33,000 American jobs. That is the equivalent of the entire Minnesota medical device industry being wiped off the map. Rather than 132,000 jobs expected to disappear or now go overseas.

And these are good-paying jobs. Mr. Speaker—$60,000 to $80,000 per job. Eighty
percent of these companies are small businesses, employing 50 people or less. I asked one company that I recently visited, with 60 employees: What does the device tax mean to you? It means I have six projects now instead of 10 projects; I will have two fewer engineers and two fewer technicians.

Another Minnesota company that I recently talked to with 20 employees that is not yet profitable told me that now they are borrowing—they are borrowing $100,000 a month just to pay the tax. That is crazy.

So companies are cutting back on their research and development. Venture capital is disappearing. And we are seeing less innovation.

The bottom line is, this device tax is so poorly conceived, it kills jobs, it is stifling lifesaving and life-enhancing innovation, and both Democrats and Republicans in the House agree on this.

My legislation to repeal this harmful tax has 275 coauthors in this body, 46 of whom are Democrats. There is overwhelming bipartisan support to repeal this job-kill tax. But we need the Senate to take action. We need the Senate to stop blocking this bill from moving forward. That way, we can get this done.

It is time, Mr. Speaker, to come together to protect American jobs by repealing the device tax.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Davis), the hardworking member of the Ways and Means Committee.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from New York for yielding.

I rise in strong opposition to H.R. 4 because it adds over $500 billion in permanent corporate tax giveaways that could end up causing 1 million hardworking Americans to lose their employer-provided health coverage and do nothing to help the tens of thousands of my constituents and tens of millions of Americans who are experiencing deep poverty, unemployment, and economic distress.

I cannot support adding over $500 billion to our deficit for permanent handouts to big corporations while 3.3 million long-term unemployed go unpaid, while repairs and renovations to our Nation’s infrastructure are threatened, while the Medicare doctors’ fix goes unresolved, and while irrational budget cuts strangle education, health, research, and innovation.

This bill marks the height of Republican irresponsibility on both fiscal and policy grounds. I ask, how many millions of low-income students could college-costs could all college students have grants with just a fraction of the cost of this bill? How many long-term unemployed could pay their rent or provide food for their families with even a tiny amount of this cost of this bill? How many more small businesses could receive investment grants or critical low-cost loans?

Our government, yes, has the responsibility to advance policies that create jobs, strengthen our citizens, and grow our economy, not ones that undermine the health and well-being of Americans and advance the wealthiest among us at the expense of the struggling.

I will vote “no” on this sham jobs-creating bill.

Mr. CAMP. I am prepared to close, so I reserve the balance of my time.

Mr. RANGEL. I yield myself the balance of my time.

Mr. Speaker, as we close out on this bill, let me refer you into the RECORD a report by the Center on Budget and Policy Priorities. This is an objective report on the subject that we have just talked about, and that is whether or not the Affordable Care Act has caused a loss in full-time jobs. This report clearly shows that we have had a rise in full-time work in connection with the health care reform bill.

[From Off the Charts, Sept. 17, 2014]

CENSUS REPORT SHOWS RISE IN FULL-TIME WORK, UNDERCUTTING CLAIMS BY HEALTH REFORM OPPONENTS

(By Paul N. Van de Water)

Yesterday’s Census Bureau report shows that the share of workers with full-time, full-year work rose in 2013, while the share with part-time work fell. This finding further undercut assertions that health reform is causing a large increase in part-time employment—as proponents of a House measure to change health reform’s rules on covering full-time workers claim.

Health reform requires employers with at least 50 full-time-equivalent workers to offer coverage to their employees and defines as those who work at least 30 hours a week—or pay a penalty. Critics claim that employers are shifting some employees to part-time work to avoid offering them health insurance. But the data provide scant evidence of such a shift.

To the contrary, part-time work became less frequent last year. “An estimated 72.7 percent of working men with earnings and 60.5 percent of working women with earnings worked full time, year round in 2013, both of which are higher than the 2012 estimates of 71.1 percent and 59.4 percent respectively,” according to the new Census report. These data are consistent with a recent Urban Institute study which found a little evidence that health reform has increased part-time work.

The share of involuntary part-timers—workers who’d rather have full-time jobs but can’t find them—tells a similar story. If health reform were distorting hiring practices, as critics assert, we’d expect the share of involuntary part-timers to be growing. Instead, as the chart (based on Labor Department data) shows, it’s down by 1 percent, and more over the period.

My colleague Jared Bernstein finds that this pattern is typical for this stage of a recovery.

Later this week, the House will consider a proposal (part of a so-called “jobs bill”) to raise health reform’s threshold for full-time work from 30 to 40 hours. But this step would make a shift toward part-time employment much more likely—not less so.

Only about 7 percent of employees work 30 to 34 hours (that is, at or modestly above health reform’s 30-hour threshold), but 44 percent of employees work 40 hours a week and thus would be vulnerable to cuts in their hours if the threshold rose to 40 hours. Employers could reduce the number of employees from 40 to 39 hours so they wouldn’t have to offer them health coverage.

If you exclude workers at firms that already offer health insurance and thus won’t be tempted to cut workers’ hours, more than twice as many workers would face a high risk of reduced hours under a 40-hour threshold than under the current 30-hour threshold, according to New York University economist Sherry Glied.

There’s little evidence to date that health reform has caused a shift to part-time work. There’s every reason to expect the impact to be small as a share of total employment, as was explained. Any revenue for the employer mandate from 30 to 40 hours a week would be a step in the wrong direction.

Mr. RANGEL. Now, the gentleman knows also that in order to get a bill passed, really helps if you get the cooperation of the President of the United States.

I would like to submit a statement for the RECORD from the administration which says that if this bill was to reach class families, it included pro-growth business tax reform. The Administration continues to support tax proposals that would benefit the Nation’s economy and small businesses, such as the House measure to change health reform’s rules on covering full-time workers, the experimentation tax credit and increased expensing for small businesses. However, making traditional tax extenders and costly business cuts permanent without offsets, while at the same time allowing taxes to increase on 26 million working families, represents the wrong approach.

In addition, the Administration welcomes ideas to improve the Affordable Care Act. However, H.R. 4 would undermine that Act by shifting costs to taxpayers and causing fewer Americans to lose employer-sponsored health insurance coverage.

Also, the Administration is committed to ensuring that the benefits of regulation justify their costs and that they are tailored to advance statutory goals in a manner that is efficient, is cost-effective, and minimizes uncertainty. However, H.R. 4 would throw all major regulations into a months-long limbo, marking a significant departure from the longstanding separation of powers between the Executive and Legislative branches and fostering uncertainty and impeding business investment that is vital to economic growth. Furthermore, the bill would impose other unnecessary requirements on agencies that would seriously undermine their ability to execute their statutory mandates.

Finally, the Administration is committed to sound long-term investment in Federal lands for continued productivity and economic benefit, as well as for the long-term
health of the wildlife and ecological values sustained by these holdings. However, H.R. 4 includes numerous harmful provisions that would impair responsible management of Federal and state lands and undermine many important existing public land and environmental laws, rules, and processes.

If the President were presented with H.R. 4, his senior advisors would recommend that he veto the bill.

Mr. RANGEL. Lastly, I would like to say, as the distinguished chair moves on to his retirement from this august body, that for as long as the gentleman has had the pleasure of this Ways and Means Committee that I have admired and I continue to respect the fine work that he has contributed to the committee as well as to this House, and that his honesty, candidness, sincerity, and hard work to make this a better Congress and a better country certainly is appreciated now and will be in the future.

And I would hope that the hard work that he has done on tax reform—which is a very complex subject, some may deal with—that we might try to remember him for the fine work that he has done over these years, rather than on the eve of an election, where sometimes the leadership would want to make a political statement.

For one, we never associate him with this piece of legislation, but, rather, for the outstanding contributions that he has made year after year, session after session—not for Republicans, not for the committee, but for this great country. I thank him for his friendship over the years.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from New York for those kind remarks and also for the work we have been able to do together over the years.

I remember the first legislation that we really worked together on was the Adoption and Safe Families Act, which was signed into law and has done a lot to move children from a temporary situation into a permanent loving home. And I want to thank the gentleman for his leadership on that and other issues on the committee.

And as a former chairman of the committee, you have sat in the chair I am sitting in right now and know what a challenge it can be at times. But we have done some great work together.

I do not think, believe, though, that this legislation would create jobs. And it is not just my opinion. These provisions have been analyzed by the nonpartisan Joint Committee on Taxation, and that indicates that these are all important provisions.

There has been some reference to the fact that we are close to an election. And I think clearly what most Americans are sick of is the dysfunction in Washington, the lack of ability for the two parties to get together. Whether it is the Republicans and Democrats in the House or Democrat majorities in the Senate and Republican majorities in the House. And these are all bipartisan provisions. These are all tax provisions that have had significant Democratic support and votes. In the case of the Help Hire Our Heroes Act, I think every Democrat but one voted for it. Clearly these are things that will help create jobs.

And not only do Americans want to see the dysfunction in this body end, but they would like to see something that will help move the economy forward, that will help make their lives better.

If you look at polling—there is certainly a lot of polling out there right now—a lot of Americans know that things are not as good as they should be. I mean, it clearly comes across in the polls how dissatisfied they are. And there are lots of reasons for that, largely because median incomes are declining.

But what is really troubling is that Americans don’t believe that things are going to get better. They are worried for the first time, their children or their brothers and sisters or their family members or they will not have the same opportunities that many of their parents or some of their friends have had. That is a very troubling situation.

This is legislation that will help move the ball forward on getting some economic growth, some job creation, a stronger economy. And with that stronger economy comes more jobs, comes higher wages, comes benefits so that people can pay for food and gas and put something aside for their retirement and for their kids’ education.

These are all things that have been extended repeatedly with bipartisan support. As I mentioned, R&D, 30 years; section 179, expensing for small businesses, 10 years; some of the S Corp perform, 12 years—seven times since 2006.

So let’s not have a temporary policy. Let’s make this permanent. Let’s get this country moving again. Let’s restore that faith that people have had in this country and in the American Dream. Let’s vote “yes” on H.R. 4.

Mr. Speaker, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Speaker, it is with a great sense of disappointment that I deliver my remarks today. For the past 21 months, this House has failed to take any meaningful action to reduce unemployment or boost job creation and commerce. We know what the solutions are, and yet unconscionably the Republican leadership has chosen to engage in divisive political gamesmanship rather than taking on the more challenging task of governing, which is what our constituents sent us here to do.

In my home state of Rhode Island, employ- ers are still struggling to find qualified employ- ees to fill available jobs. This skills gap keeps the unemployment rate stubbornly high, while many middle class families are still struggling to make ends meet.

H.R. 4 contains provisions from several bills that have already passed the House and failed to gain traction in the Senate. Instead of more duplicative messaging bills, we should be working with our colleagues across the aisles, and across the Capitol, to incentivize compa- nies to bring jobs back home, invest in ad- vanced research and development, educate and train our workforce for a 21st Century economy, and modernize our infrastructure to improve safety, boost commerce and create jobs.

Certainly the House and Senate have dif- ferent visions about how to proceed. But when disagreements arise, the process should in- volve working together to find a solution that can pass both houses and reach the Presi- dent’s desk. Instead, House Republican lead- ers have decided the best course of action is to revisit bills that we already know are unac- ceptable to the Senate. As a fitting coda to the 113th Congress, we will again squander an opportunity to act while millions of Americans still need our help.

This Congress is set to go down in history as the least productive ever. Many members expected a “death of a thousand legislative births,” to leg- islating, demanding that either we give them everything, or nobody can have anything. It was a year ago that we suffered the first gov- ernment shutdown in 17 years; a shutdown caused by the House Majority's inability to complete negotiations.

Even by the Speaker’s own criteria of “laws repealed” instead of laws passed, we have been remarkably unproductive. Without any coherent legislative strategy, the Republican majority has attempted to repeal or undermine the Affordable Care Act over 50 times. How- ever, we still cannot find the time to extend long-term unemployment insurance, fix our broken immigration system, or tackle any of the other challenges that our constituents sent us here to fix.

One of the easiest steps we can take would be to re-authorize the Carl D. Perkins Career and Technical Education Act. This main source of federal funding for career training programs was last re-authorized in 2006 and expired in 2012. There has been broad bipartisan support for revisiting Perkins and updating its provisions to reflect the realities of the 21st Century economy. Advocates across the country support re-authorizing Perkins. Unfortu- nately, it did not become a priority for the Committee and we are left waiting for action yet again.

There is too much work to be done to waste time on this petty political squabbling. We have the capacity to meet the challenges that face us, but a lack of courage on the part of House leadership keeps us from doing so. It is my sincere hope that in the 114th Congress we return to regular order, negotiate instead of digging in our heels, and solve problems instead of creating them.

Mr. Speaker, I would like to submit the following:

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform (AFR), we are writing to urge you to oppose H.R. 4, the “Jobs For America Act.” Division III of the legislation contains a number of extremely problematic provisions that would require regulatory agencies to satisfy dozens of additional mandates prior to any regulation of Wall Street, and which would create numerous additional opportunities for large financial firms to block any government action in court. AFR has joined the Coalition for Sensible Regulation and Wall Street accountability organizations in a joint letter opposing these provisions.
We would also like to draw attention to Title I of Division II of this legislation, the “Small Business Capital Access and Job Preservation Act”. This legislation would exempt private fund advisors from any regulatory monitoring, despite the fact that they manage some $3 trillion in assets in total on behalf of numerous investors, including funds. The Dodd-Frank Act created more transparency for this previously dark portion of the markets, by requiring hedge and private equity fund advisors to register with the Securities and Exchange Commission (SEC), maintain a code of ethics and a compliance program, and report basic financial information relevant to systemic risk. This legislation would effectively exempt all private equity fund advisors from these requirements.

Since this legislation was voted on as a stand alone measure, on October 2, 2013 as H.R. 1105, the SEC has reported publicly on its basic ‘presence examinations’ of private equity fund advisors pursuant to its new Dodd-Frank Act. These examinations found widespread evidence of abuse of investors and violations of the law. In a recent speech, Andrew Bowden, the SEC’s Director of Compliance Inspections and Examinations, stated that “we have examined how fees and expenses are handled by advisors to private equity funds, we have identified who we believe are violations of laws and material weaknesses in controls over 50% of the time”. The speech details evidence of deception and abuse of investors in other areas as well. As stated, the SEC is tackling the opaque nature of the private equity model and the limited information rights of investors, outside investors in private equity funds “often have little to no chance of detecting” these abuses on their own.

Given the findings of the SEC in its initial investigations of private equity advisors, it is deeply disappointing to see that the House is once again pursuing a broad exemption from registration, reporting, and associated ethics and private equity advisors. The passage of “The Small Business Capital Access and Job Preservation Act” would effectively remove the SEC’s most effective strategy in addressing the evident, widespread investor abuses recently uncovered through their examinations. We urge you to oppose this legislation.

Thank you for your consideration. For more information please contact AFR’s Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

FOLLOWING ARE THE PARTNERS OF AMERICANS FOR FINANCIAL REFORM

All the organizations support the overall principle of the Dodd-Frank Act. They are accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have principles of AFR and are working for an effective tool for addressing the evidence of the House.

**Community Reinvestment Association of North Carolina; Community Resource Group, Fayetteville A; Connecticut PIRG; Consumer Assistance Council; Cooper Square Community Housing Corporation, New York; Cooperative Institute, Wilmington NC; Corporación de Desarrollo Económico de Ceiba, Ceiba PR; Delta Foundation, Inc., Greenfield MA; Economic Policy Institute; Empire Justice Center, NY; Advocates for Appalachian Housing; Fitness and Praise Youth Development, Inc., Baton Rouge LA; Florida Consumer Action Network; Global PI.

Funding Partners for Housing Solutions, Ft. Collins CO; Georgia PIRG; Grow Iowa Foundation; Greenfield IA; Homewise, Inc., Santa Fe NM; Idaho Nevada CDF; Pocatello ID; Idaho Chapter, National Association of Social Workers; Illinois PIRG; Impact Capital, Seattle WA; Indiana PIRG; Iowa PIRG; Iowa Citizens for Community Improvement; JobStart Chautauqua, Inc., Mayville NY; La Casa Federal Credit Union, Newark NJ; Low Income Investment Fund, San Francisco CA; Louisiana PIRG; Maine PIRG; MaineStream Finance, Bangor ME; Maryland PIRG; Massachusetts Consumers’ Coalition; MASSPIRG; Massachusetts Fair Housing Center.

Michigan PIRG; Midland Community Development Corporation, Midland MI; Minnesota Community Development Corporation, Detroit Lakes MN; Mile High Community Loan Fund, Denver CO; Missouri PIRG; Mortgage Recovery Service Center of Cleveland OH; Montana Community Development Corporation, Missoula MT; Montana PIRG; Neighborhood Economic Development Advocacy Project; New Hampshire PIRG; New Jersey Community Capital, Trenton NJ; New Jersey Citizen Action; New Jersey PIRG; New Mexico PIRG; New York PIRG; New York City Aids Housing Network; New Yorkers for Responsible Lending; NOAH Community Development Fund, Inc., Boston MA; Nonprofit Finance Fund, New York NY; Nonprofits Assistance Fund, Minneapolis MN; North Carolina PIRG; Northside Community Development Fund, Pittsburgh PA; Ohio Capital Corporation for Housing, Columbus OH; Ohio PIRG; Oligarchy USA; Oregon PIRG; PASTCIÓN; People Concerned for Low Income, Charlotteville VA; Michigan PIRG; Rocky Mountain Peace and Justice Center, CO; Rhode Island PIRG; Rural Community Assistance Corporation, West Sacramento CA; Rural Organizing Project OR; San Francisco Municipal Transportation Authority; Seattle Economic Development Fund; Community Capital Development; TexPIRG; The Fair Housing Council of Central New York; The Loan Fund, Albuquerque NM; Third Reconstruction Institute NC; Vermont PIRG; VictoryCorporation, Cleveland OH; Virginia Citizens Consumer Council; Virginia Poverty Law Center; War on Poverty-Florida; WashPIRG; Western States Center, WA; Wigamig Owners Loan Fund, Inc., Lac du Flambeau WI; WISPIRG.

SMALL BUSINESSES

Blu; Bowden-Gill Environmental; Community MedFAX; Diversified Environmental Planning; Haydon & Bell; PPC; Little City Animal Hospital, Pheonix AZ; The Photographic Repatterning Institute at Austin; Urban Initiatives.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 727, the previous question is ordered on the bill.
The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.
The SPEAKER pro tempore. Pursuant to clause 9(c) of rule XIX, further consideration of H.R. 4 is postponed. PERMISSION TO POSTPONE ADOPTION OF MOTION TO RECOMMIT ON H.R. 2, AMERICAN ENERGY SOLUTIONS FOR LOWER COSTS AND MORE AMERICAN JOBS ACT
Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to recommit on H.R. 2 may be subject to postponement as though under clause 8 of rule XX.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? There was no objection.

AMERICAN ENERGY SOLUTIONS FOR LOWER COSTS AND MORE AMERICAN JOBS ACT
Mr. HASTINGS of Washington. Mr. Speaker, pursuant to House Resolution 727, I call up the bill (H.R. 2) to remove Federal Government obstacles to the production of more domestic energy; to ensure transport of that energy reliably to businesses, consumers, and other end users; to lower the cost of energy to consumers; to enable manufacturers and other businesses to access domestically produced energy affordably and reliably in order to create and sustain more secure and well-paying American jobs; and for other purposes, and ask for its immediate consideration.
The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 727, the bill is considered read.
The text of the bill is as follows:
H.R. 2
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "American Energy Solutions for Lower Costs and More American Jobs Act.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Authorization of certain energy infrastructure projects at the national boundary of the United States.
Sec. 4. Authorization of energy to Canada and Mexico.
Sec. 5. Transmission of electric energy to Canada and Mexico.
Sec. 6. No Presidential permit required.
Sec. 7. Modifications to existing projects.
Sec. 8. Effective date; rulemaking deadlines.
Sec. 9. Definitions.
TITLE II—MAINTAINING DIVERSE ELECTRICITY GENERATION AND AFFORDABILITY
Subtitle A—Energy Consumers Relief
Sec. 1. Short title.
Sec. 2. Prohibition against finalizing certain energy-related rules that will cause significant adverse effects to the economy.
Sec. 3. Reports and determinations prior to promulgating as final certain energy-related rules.
Sec. 4. Definitions.
Sec. 5. Prohibition on use of social cost of carbon in analysis.
Subtitle B—Electricity Security and Affordability
Sec. 1. Short title.
Sec. 2. Standards of performance for new fossil fuel-fired electric utility generating units.
Sec. 3. Congress To set effective date for standards of performance for existing, modified, and reconstructed fossil fuel-fired electric utility generating units.
Sec. 4. Repeal of earlier rules and guidelines.
Sec. 5. Definitions.
Subtitle C—Report on Energy and Water Savings Potential From Thermal Insulation
Sec. 1. Report on energy and water savings potential from thermal insulation.
TITLE III—UNLEASHING ENERGY DIPLOMACY
Subtitle A—North American Energy Security
Sec. 1. Short title.
Sec. 2. Action on applications.
Sec. 3. Public disclosure of export destination.
DIVISION B—NATURAL RESOURCES COMMITTEE
Sec. 1. References.
SUBDIVISION A—LOWERING GASOLINE PRICES TO FUEL AN AMERICA THAT WORKS ACT OF 2014
Sec. 1. Short title.
TITLE I—OFFSHORE ENERGY AND JOBS
Subtitle A—Outer Continental Shelf Leasing Program Reforms
Sec. 101. Outer Continental Shelf leasing program reforms.
Sec. 102. Domestic oil and natural gas production goals.
Sec. 103. Development and submittal of new 5-year oil and gas leasing program.
Sec. 104. Rule of construction.
Sec. 105. Authorization of lease sales after finalization of 5-year plan.
Subtitle B—Directing the President to Conduct New OCS Sales
Sec. 102. Requirement to conduct proposed oil and gas lease Sale 220 on the Outer Continental Shelf offshore Virginia.
Sec. 103. South Carolina lease sale.
Sec. 104. Environmental impact statement requirement.
Sec. 105. National defense.
Sec. 106. Eastern Gulf of Mexico not included.
Subtitle C—Equitable Sharing of Outer Continental Shelf Revenues
Sec. 101. Disposition of Outer Continental Shelf revenues to coastal States.
Subtitle D—Reorganization of Minerals Management Agencies of the Department of the Interior
Sec. 102. Bureau of Ocean Energy.
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Sec. 104. Office of Natural Resources revenue service.
Sec. 105. Ethics and drug testing.
Sec. 106. Abolishment of Minerals Management Service.
Sec. 107. Conforming amendments to Executive Schedule pay rates.
Sec. 108. Outer Continental Shelf Energy Safety Advisory Board.
Sec. 109. Outer Continental shelf inspection fees.
Sec. 110. Prohibition on action based on National Ocean Policy developed under Executive Order No. 13547.
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Sec. 101. Application of Outer Continental Shelf Lands Act with respect to territories of the United States.
Subtitle F—Miscellaneous Provisions
Sec. 102. Amount of distributed qualified outer Continental shelf revenues.
Sec. 103. South Atlantic Outer Continental Shelf Planning Area defined.
Sec. 104. Enhancing geological and geo-physical information for America's energy future.
Sec. 105—Judicial Review
Sec. 101. Time for filing complaint.
Sec. 102. District court deadline.
Sec. 103. Ability to seek appellate review.
Sec. 104. Limitation on scope of review and relief.
Sec. 105. Legal fees.
Sec. 106. Exclusion.
Sec. 107. Definitions.
TITLE II—ONSHORE FEDERAL LANDS AND ENERGY SECURITY
Subtitle A—Federal Lands Jobs and Energy Security
Sec. 1. Short title.
Sec. 2. Policies regarding buying, building, and working for America.
CHAPTER I—ONSHORE OIL AND GAS PERMIT STREAMLINING
Sec. 1. Short title.
SUBCHAPTER A—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM
Sec. 111. Permit to drill application timeline.
SUBCHAPTER B—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM
Sec. 112. Administrative protest documentation reform.
SUBCHAPTER C—PERMIT STREAMLINING
Sec. 113. Making pilot offices permanent to improve energy permitting on Federal lands.
Sec. 114. Administration of current law.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

The text of the bill is as follows:
H.R. 2
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "American Energy Solutions for Lower Costs and More American Jobs Act.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Authorization of certain energy infrastructure projects at the national boundary of the United States.
Sec. 4. Authorization of energy to Canada and Mexico.
Sec. 5. Transmission of electric energy to Canada and Mexico.
Sec. 6. No Presidential permit required.
Sec. 7. Modifications to existing projects.
Sec. 8. Effective date; rulemaking deadlines.
Sec. 9. Definitions.

TITLE II—MAINTAINING DIVERSE ELECTRICITY GENERATION AND AFFORDABILITY
Subtitle A—Energy Consumers Relief
Sec. 1. Short title.
Sec. 2. Prohibition against finalizing certain energy-related rules that will cause significant adverse effects to the economy.
Sec. 3. Reports and determinations prior to promulgating as final certain energy-related rules.
Sec. 4. Definitions.
Sec. 5. Prohibition on use of social cost of carbon in analysis.

Subtitle B—Electricity Security and Affordability
Sec. 1. Short title.
Sec. 2. Standards of performance for new fossil fuel-fired electric utility generating units.
Sec. 3. Congress To set effective date for standards of performance for existing, modified, and reconstructed fossil fuel-fired electric utility generating units.
Sec. 4. Repeal of earlier rules and guidelines.
Sec. 5. Definitions.

Subtitle C—Report on Energy and Water Savings Potential From Thermal Insulation
Sec. 1. Report on energy and water savings potential from thermal insulation.

TITLE III—UNLEASHING ENERGY DIPLOMACY
Subtitle A—North American Energy Security
Sec. 1. Short title.
Sec. 2. Action on applications.
Sec. 3. Public disclosure of export destination.

DIVISION B—NATURAL RESOURCES COMMITTEE
Sec. 1. References.

SUBDIVISION A—LOWERING GASOLINE PRICES TO FUEL AN AMERICA THAT WORKS ACT OF 2014
Sec. 1. Short title.

TITLE I—OFFSHORE ENERGY AND JOBS
Subtitle A—Outer Continental Shelf Leasing Program Reforms
Sec. 101. Outer Continental Shelf leasing program reforms.
Sec. 102. Domestic oil and natural gas production goals.
Sec. 103. Development and submittal of new 5-year oil and gas leasing program.
Sec. 104. Rule of construction.
Sec. 105. Authorization of lease sales after finalization of 5-year plan.
Subtitle B—Directing the President to Conduct New OCS Sales
Sec. 102. Requirement to conduct proposed oil and gas lease Sale 220 on the Outer Continental Shelf offshore Virginia.
Sec. 103. South Carolina lease sale.
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Subtitle C—Equitable Sharing of Outer Continental Shelf Revenues
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