

HR 4

Jobs for America Act

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Sep 15, 2014

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Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 597. (Nov 13, 2014)

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Sponsor

Name: Rep. Camp, Dave [R-MI-4]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Sep 15, 2014
Rep. Hastings, Doc [R-WA-4]	R · WA		Sep 15, 2014
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Sep 15, 2014
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Sep 15, 2014

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred To	Sep 15, 2014
Budget Committee	House	Referred To	Sep 15, 2014
Financial Services Committee	House	Referred To	Sep 15, 2014
Judiciary Committee	House	Referred to	Sep 16, 2014
Natural Resources Committee	House	Referred To	Sep 15, 2014
Oversight and Government Reform Committee	House	Referred To	Sep 15, 2014
Rules Committee	House	Referred To	Sep 15, 2014
Small Business Committee	House	Referred To	Sep 15, 2014
Ways and Means Committee	House	Referred To	Sep 15, 2014

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
113 HR 5512	Related bill	Sep 29, 2014: Referred to the Subcommittee Indian and Alaska Native Affairs.
113 HRES 727	Procedurally related	Sep 18, 2014: Motion to reconsider laid on the table Agreed to without objection.
113 HR 5034	Related bill	Sep 2, 2014: Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
113 HR 4718	Related bill	Jul 15, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 465.
113 HR 4453	Related bill	Jun 17, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 433.
113 HR 4457	Related bill	Jun 17, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 434.
113 HR 4743	Related bill	May 23, 2014: Referred to the House Committee on Ways and Means.
113 HR 4438	Related bill	May 12, 2014: Received in the Senate.
113 HR 2575	Related bill	Apr 8, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 350.
113 HR 899	Related bill	Mar 4, 2014: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
113 HR 2804	Related bill	Mar 4, 2014: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
113 HR 2274	Related bill	Jan 15, 2014: Received in the Senate and Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
113 S 1923	Related bill	Jan 14, 2014: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
113 HR 2542	Related bill	Dec 11, 2013: Placed on the Union Calendar, Calendar No. 208.
113 HR 1105	Related bill	Dec 9, 2013: Received in the Senate and Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
113 S 1414	Related bill	Nov 20, 2013: Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 113-342.
113 S 1415	Related bill	Nov 20, 2013: Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 113-342.
113 HR 2122	Related bill	Sep 28, 2013: Placed on the Union Calendar, Calendar No. 172.
113 HR 1493	Related bill	Sep 26, 2013: Placed on the Union Calendar, Calendar No. 170.
113 HR 1526	Related bill	Sep 23, 2013: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
113 HR 761	Related bill	Sep 19, 2013: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
113 S 327	Related bill	Sep 10, 2013: Placed on Senate Legislative Calendar under General Orders. Calendar No. 175.
113 HR 367	Related bill	Sep 9, 2013: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
113 HR 2401	Related bill	Aug 13, 2013: Referred to the Subcommittee on Conservation, Energy, and Forestry.
113 S 1342	Related bill	Jul 23, 2013: Read twice and referred to the Committee on Finance.

Bill	Relationship	Last Action
113 HR 2491	Related bill	Jul 3, 2013: Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 2488	Related bill	Jun 28, 2013: Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 1200	Related bill	Apr 23, 2013: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
113 HR 1294	Related bill	Apr 11, 2013: Subcommittee Hearings Held.
113 S 714	Related bill	Apr 11, 2013: Read twice and referred to the Committee on the Judiciary.
113 HR 1230	Related bill	Mar 28, 2013: Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 1215	Related bill	Mar 26, 2013: Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 434	Related bill	Feb 28, 2013: Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
113 S 31	Related bill	Jan 22, 2013: Read twice and referred to the Committee on Finance.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Jobs for America Act - Division I: Ways and Means - Title I: Save American Workers - Save American Workers Act of 2014 - (Sec. 102) Amends the Internal Revenue Code to redefine "full-time employee," for purposes of the mandate requiring employers to provide health care coverage for their employees, as an employee who is employed on average at least 40 hours of service a week (currently, at least 30 hours of service a week).

Title II: Hire More Heroes - Hire More Heroes Act of 2014 - (Sec. 202) Amends the Internal Revenue Code to permit an employer, for purposes of determining whether such employer is an applicable large employer and thus required to provide health care coverage to its employees under the Patient Protection and Affordable Care Act, to exclude employees who have coverage under a health care program administered by the Department of Defense (DOD), including TRICARE, or the Department of Veterans Affairs (VA).

Title III: American Research and Competitiveness - American Research and Competitiveness Act of 2014 - (Sec. 302) Amends the Internal Revenue Code, with respect to the tax credit for research expenses, to: (1) make the rate of such credit equal to the sum of 20% of so much of the qualified research expenses and payments as exceeds 50% of the expenses and payments for the three preceding taxable years and 20% of the amounts paid to any energy research consortium for energy research; and (2) make such credit, as revised by this Act, permanent.

(Sec. 303) Prohibits the budgetary effects of this Title from being entered on any PAYGO scorecard maintained pursuant to the Statutory Pay-As-You-Go Act of 2010.

Title IV: America's Small Business Tax Relief - America's Small Business Tax Relief Act of 2014 - (Sec. 402) Amends the Internal Revenue Code, with respect to the expensing allowance for depreciable business property, to make permanent: (1) the increased \$500,000 expensing allowance for such property, (2) the increased \$2,000,000 threshold amount for such property over which the amount of the expensing allowance is reduced, (3) expensing of computer software, and (4) rules for the expensing of qualified real property (i.e., leasehold improvement, restaurant, and retail improvement property). Allows an inflation adjustment to the dollar amounts of the expensing allowance for taxable years beginning after 2014. Makes air conditioning and heating units eligible for the expensing allowance. Allows an annual inflation adjustment for taxable years beginning after 2014 to the increased expensing amounts.

(Sec. 403) Prohibits the budgetary effects of this Title from being entered on any PAYGO scorecard maintained pursuant to the Statutory Pay-As-You-Go Act of 2010.

Title V: S Corporation Permanent Tax Relief - S Corporation Permanent Tax Relief Act of 2014 - (Sec. 502) Amends the Internal Revenue Code, with respect to the taxation of S corporations, to make permanent: (1) the reduction of the period (from 10 years to 5 years) during which the built-in gains of such corporations are subject to tax, and (2) the rule requiring an adjustment to the basis of a shareholder's stock in an S corporation that makes tax deductible contributions of appreciated property.

(Sec. 504) Prohibits the budgetary effects of this Title from being entered on any PAYGO scorecard maintained pursuant to the Statutory Pay-As-You-Go Act of 2010.

Title VI: Bonus Depreciation Modified and Made Permanent - (Sec. 601) Amends the Internal Revenue Code to: (1)

make permanent the additional 50% depreciation allowance (bonus depreciation) for qualified property (i.e., property which has a recovery period of 20 years or less and is computer software, water utility property, or qualified leasehold or retail improvement property); (2) make permanent the election to increase the alternative minimum tax credit limitation in lieu of bonus depreciation; and (3) allow an additional depreciation allowance for a tree or vine bearing fruits or nuts, in the taxable year in which the tree or vine is planted or grafted to a plant in the ordinary course of the taxpayer's farming business.

(Sec. 602) Prohibits the budgetary effects of this Title from being entered on any PAYGO scorecard maintained pursuant to the Statutory Pay-As-You-Go Act of 2010.

Title VII: Repeal of Medical Device Excise Tax - (Sec. 701) Repeals the excise tax on medical devices.

(Sec. 702) Prohibits the budgetary effects of this Title from being entered on any PAYGO scorecard maintained pursuant to the Statutory Pay-As-You-Go Act of 2010.

Division II: Financial Services - Title I: Small Business Capital Access and Job Preservation - Small Business Capital Access and Job Preservation Act - (Sec. 102) Amends the Investment Advisers Act of 1940 to exempt private equity fund investment advisers from statutory registration and reporting requirements, provided that each private equity fund has not borrowed and does not have outstanding a principal amount exceeding twice its invested capital commitments.

Directs the Securities and Exchange Commission (SEC) to promulgate final rules that: (1) require such investment advisers to maintain records the SEC determines necessary may require, taking into account fund size, governance, investment strategy, and risk; and (2) define the term "private equity fund" for purposes of this Act.

Title II: Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification - Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2014 - (Sec. 202) Amends the Securities Exchange Act of 1934 to exempt from its registration requirements certain merger and acquisition brokers and associated persons.

Denies such registration exemption, however, to brokers who: (1) receive, hold, transmit, or have custody of any funds or securities to be exchanged by parties to a transfer of ownership of an eligible privately held company; or (2) engage on behalf of an issuer in a public offering of securities that are either subject to mandatory registration, or with respect to which the issuer must file periodic information, documents, and reports.

Prohibits this Act from being construed to limit any other authority of the SEC to exempt any person, or any class of persons, from any provision of this Act, including any related rule or regulation.

Division III: Oversight - Subdivision A: Unfunded Mandates Information and Transparency - Unfunded Mandates Information and Transparency Act of 2014 - (Sec. 103) Amends the Congressional Budget Act of 1974 to require the Congressional Budget Office (CBO), at the request of Congress, to conduct studies on the costs for state, local, or tribal governments to comply with changes to conditions of federal assistance.

(Sec. 105) Expands the scope of reporting requirements related to federal mandates to include regulations imposed by independent regulatory agencies. Excludes the Board of Governors of the Federal Reserve System and the Federal Open Market Committee.

(Sec. 106) Amends the Unfunded Mandate Reform Act of 1995 to require the Office of Information and Regulatory Affairs (OIRA) instead of the Office of Management and Budget (OMB) to: (1) provide CBO with data and cost estimates for

regulations implementing an Act containing a federal mandate; (2) certify that an agency has considered a reasonable number of regulatory alternatives and selected the least costly, most cost-effective, or least burdensome option that achieves the objectives of a rule; and (3) collect agency statements accompanying regulatory action and forward them to CBO.

(Sec. 107) Amends the Congressional Budget Act of 1974 to expand the point of order against legislation increasing the costs of federal intergovernmental mandates above the statutory threshold to include private sector mandates.

(Sec. 108) Amends the Unfunded Mandates Reform Act of 1995 to establish principles for agencies to use in assessing the effects of federal regulatory actions on state, local, and tribal governments and the private sector.

(Sec. 109) Expands the scope of agency statements accompanying significant regulatory actions to require a more detailed analysis of the effect on state, local, or tribal governments or the private sector.

(Sec. 110) Revises the process for agency consultations with state, local, and tribal governments about proposed regulations to include private sector input.

(Sec. 111) Requires OIRA to provide guidance and oversight so that each agency's regulations are consistent with the Unfunded Mandates Reform Act of 1995, other laws, and policies of other agencies.

(Sec. 112) Requires agencies to conduct a retrospective analysis of an existing federal regulation at the request of Congress.

(Sec. 113) Expands judicial review to include agency assessments of regulations and selection of the least costly or least burdensome regulatory alternative.

Subdivision B: Achieving Less Excess in Regulation and Requiring Transparency - Achieving Less Excess in Regulation and Requiring Transparency Act of 2014 or the ALERRT Act of 2014 - **Title I: All Economic Regulations Are Transparent Act** - All Economic Regulations are Transparent Act of 2014 or the ALERT Act of 2014 - (Sec. 102) Requires the head of each federal agency to submit a monthly report to the Administrator of OIRA for each rule such agency expects to propose or finalize during the following year. Sets forth the required content of such reports, including: (1) a summary of the nature of the rule, (2) the objectives of and legal basis for issuance of the rule, (3) the stage of the rulemaking as of the date of submission, and (4) whether the rule is subject to periodic review as a rule with a significant economic impact.

Requires each agency head to submit a monthly report for any rule expected to be finalized during the following year for which the agency has issued a general notice of proposed rulemaking. Requires such reports to include an approximate schedule for completing action on the rule and an estimate of its cost and economic effects.

Requires the Administrator to make such monthly reports publicly available on the Internet.

Requires the Administrator to publish in the Federal Register, not later than October 1 of each year: (1) information that the Administrator receives from each agency under this Act; (2) the number of rules and a list of each such rule that was proposed by each agency and each rule that was finalized by each agency; (3) the number of agency actions that repealed a rule, reduced the scope or cost of a rule, or accelerated the expiration date of a rule; (4) the total cost of all rules proposed or finalized; and (5) the number of rules for which an estimate of the cost of the rule was not available.

Requires the Administrator to make publicly available on the Internet, not later than October 1 of each year: (1) the

analysis of the costs or benefits of each proposed or final rule issued by an agency for the previous year, (2) the docket number and regulation identifier number for each such rule, (3) the number of rules reviewed by OMB for the previous year, (4) the number of rules for which a review by the head of an agency was completed, (5) the number of rules submitted to the Comptroller General (GAO), and (6) the number of rules for which a resolution of disapproval was introduced in Congress.

Prohibits a rule from taking effect until the information required by this Act is posted on the Internet for not less than six months, unless the agency proposing the rule seeks an exemption under the Freedom of Information Act (FOIA) or the President determines by executive order that such rule is necessary because of an imminent threat to health or safety or other emergency, for the enforcement of criminal laws, for national security, or to implement an international trade agreement. Makes such requirement effective eight months after enactment of this Act.

Title II: Regulatory Accountability Act - Regulatory Accountability Act of 2014 - (Sec. 202) Defines "major rule" and "major guidance," for purposes of this Act, as a rule or guidance that is likely to impose: (1) an annual cost on the economy of \$100 million or more, adjusted annually for inflation; (2) a major increase in costs or prices; (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete with foreign-based enterprises; or (4) significant impacts on multiple sectors of the economy. Defines "high-impact rule" as a rule that is likely to have an annual cost on the economy of \$1 billion or more, adjusted annually for inflation. Defines "negative-impact on jobs and wages rule" to mean a rule that is likely to reduce employment or wages.

(Sec. 203) Revises procedures for rulemaking under the Administrative Procedure Act (APA) to require a federal agency, in the rulemaking process, to make all preliminary and final factual determinations based on evidence and to consider: (1) the legal authority under which a rule may be proposed, (2) the specific nature and significance of the problem the agency may address with a rule, (3) whether existing rules have created or contributed to the problem the agency may address with a rule and whether such rules may be amended or rescinded, (4) any reasonable alternatives for a new rule, and (5) the potential costs and benefits associated with potential alternative rules.

Revises rulemaking notice requirements to require an agency to: (1) publish in the Federal Register advance notice of proposed rulemaking involving 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; (2) consult with the Administrator of OIRA before issuing a proposed rule and after the issuance of an advance notice of proposed rulemaking; (3) provide interested persons an opportunity to participate in the rulemaking process; (4) hold a hearing before the adoption of any high-impact rule; (5) expand requirements for the adoption of a final rule, including requiring that the agency adopt a rule only on the basis of the best evidence and at the least cost; and (6) grant any interested person the right to petition for the issuance, amendment, or repeal of a rule.

Requires the Administrator to issue guidelines to promote coordination, simplification, and harmonization of agency rules during the rulemaking process

Exempts from such revised procedures rulemaking that concerns monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 204) Imposes new requirements for issuing any major guidance or guidance that involves a novel legal or policy issue arising out of statutory mandates. Authorizes the Administrator to issue guidelines for agencies in issuing major guidance or other guidance.

(Sec. 205) Provides for electronic access to transcripts of testimony and exhibits and other papers filed in a rulemaking

proceeding.

Requires the record of decision in a rulemaking proceeding to include information from a hearing under the Information Quality Act or information on a high-impact rule.

Requires an agency to grant a petition for a hearing in the case of a major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would unreasonably delay completion of the rulemaking. Exempts from this requirement rulemakings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 206) Provides that an agency's denial of an Information Quality Act petition, or a failure to grant or deny such petition within 90 days, is reviewable by a court as a final action. Allows immediate judicial review of interim rules issued without compliance with the notice requirements of this Act, other than in cases involving national security interests.

(Sec. 207) Revises standards for the scope of judicial review of agency rulemaking to prohibit a court from deferring to an agency's: (1) interpretation of a rule if the agency did not comply with APA requirements, (2) determination of the costs and benefits or other economic or risk assessment if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator, (3) determinations made in the adoption of an interim rule, or (4) guidance.

(Sec. 208) Defines "substantial evidence" for purposes of evaluating agency adjudications and for rulemaking under APA as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.

Title III: Regulatory Flexibility Improvements Act - Regulatory Flexibility Improvements Act of 2014 - (Sec. 302)

Amends the Regulatory Flexibility Act of 1980 (RFA) to: (1) revise the definition of "rule" under such Act to exclude a rule pertaining to the protection of the rights of and benefits for veterans or a rule of particular (and not general) applicability relating to rates, wages, and other financial indicators; and (2) define "economic impact" with respect to a proposed or final rule as any direct economic effect on small entities from such rule and any indirect economic effect on small entities that is reasonably foreseeable and that results from such rule. Includes tribal organizations within the definition of "small governmental jurisdictions" for purposes of such Act.

(Sec. 304) Requires initial and final regulatory flexibility analyses to: (1) describe alternatives to a proposed rule that minimize any adverse significant economic impact or that maximize the beneficial significant economic impact on small entities, and (2) include revisions or amendments to a land management plan developed by the Secretary of Agriculture or the Secretary of the Interior under specified Acts.

Expands the applicability of RFA to interpretive rules involving internal revenue laws that impose a recordkeeping requirement, without regard to whether such requirement is imposed by statute or regulation.

Revises the definition of "small organization" for purposes of RFA.

Requires each federal agency to include in its regulatory flexibility agenda a brief description of the sector of the North American Industrial Classification System that is affected by a proposed agency rule that is likely to have a significant economic impact on a substantial number of small entities.

Requires a detailed statement in an initial regulatory flexibility analysis to include: (1) an estimate of the additional

cumulative economic impact of the proposed rule on small entities, and (2) a description of any disproportionate economic impact on small entities or a specific class of such entities.

Requires an agency, in developing an initial and final regulatory flexibility analysis, to provide: (1) a quantifiable or numerical description of the effects of a proposed or final rule and alternatives to such rule, or (2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.

(Sec. 305) Repeals provisions allowing a waiver or delay of the completion of an initial regulatory flexibility analysis. Requires the Chief Counsel for Advocacy of the Small Business Administration (SBA) to issue rules governing federal agency compliance with RFA requirements. Authorizes the Chief Counsel to modify or amend such rules, to intervene in agency adjudication relating to such rules, and to inform an agency of the impact of its rulemaking on small entities.

(Sec. 306) Revises requirements for agency notification of the SBA Chief Counsel for Advocacy prior to the publication of any proposed rule. Requires agencies to provide the Chief Counsel with: (1) all materials prepared or utilized in making the proposed rule, and (2) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities.

(Sec. 307) Modifies requirements for the periodic review of agency rules affecting small entities to require publication of a plan for review and placement of such plan on the agency website not later than 180 days after the enactment of this Act.

(Sec. 308) Provides for judicial review of an agency final rule for compliance with RFA requirements after publication of such rule.

(Sec. 309) Amends the federal judicial code to grant exclusive jurisdiction to the U.S. Courts of Appeals to review all final rules promulgated by the SBA Chief Counsel for Advocacy governing agency compliance with RFA.

(Sec. 310) Amends the Small Business Act to authorize the SBA Chief Counsel for Advocacy to specify detailed definitions or standards by which a business may be determined to be a small business (size standard) for purposes of all enactments other than the Small Business Act or the Small Business Investment Act of 1958 (for which only the Administrator is authorized to specify small business size standards). Allows a party seeking judicial review of a rule which that includes a definition or size standard approved by the Chief Counsel for Advocacy to join the Chief Counsel as a party in an action for such review.

(Sec. 312) Amends the Small Business Regulatory Enforcement Fairness Act of 1996 to require federal agencies, in developing small entity compliance guides, to solicit input from affected small entities or associations of small entities.

(Sec. 313) Requires the Comptroller General, not later than 90 days after the enactment of this Act, to complete and publish a study that examines whether the SBA Chief Counsel for Advocacy has the capacity and resources to carry out the duties of Chief Counsel under this Act.

Title IV: Sunshine for Regulatory Decrees and Settlements Act - Sunshine for Regulatory Decrees and Settlements Act of 2014 - (Sec. 402) Defines a "covered civil action" as a civil action seeking to compel agency action and alleging that an agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of: (1) private persons other than the person bringing the action; or (2) a state, local, or tribal government. Defines a "covered consent decree" and a "covered settlement agreement" as: (1) a consent decree or settlement agreement entered into in a covered civil action; and (2) any other consent decree or settlement agreement that requires agency action relating to a regulatory action affecting the rights of private persons other than the person

bringing the action or a state, local, or tribal government.

(Sec. 403) Requires an agency against which a covered civil action is brought to publish the notice of intent to sue and the complaint in a readily accessible manner and to provide interested parties an opportunity to intervene and to conduct settlement negotiations through mediation.

Requires an agency seeking to enter a covered consent decree or settlement agreement to publish such decree or agreement in the Federal Register and online not later than 60 days before it is filed with the court. Provides for public comment and public hearings on a proposed decree or agreement.

Requires the Attorney General or an agency head, if an agency is litigating a matter independently, to certify to the court that the Attorney General or the agency head approves of any proposed covered consent decree or settlement agreement.

Requires each federal agency to submit to Congress an annual report that includes: (1) the number, identity, and content of covered civil actions brought against, and covered consent decrees or settlement agreements entered against or into by, the agency; (2) a description of the statutory basis for each such covered consent decree or settlement agreement; and (3) an award of attorney fees or costs in a civil action resolved by a covered consent decree or settlement agreement.

(Sec. 404) Requires a court to grant de novo review to any motion filed by an agency to modify a previously-entered consent decree if the basis of such motion is that the terms of the decree are no longer fully in the public interest due to the agency's obligations to fulfill other duties or due to changed facts and circumstances.

(Sec. 405) Makes this Title applicable to: (1) any covered civil action filed on or after the enactment of this Title, and (2) any covered consent decree or settlement agreement proposed to a court on or after the enactment of this Title.

Division IV: Judiciary - Title I: Regulations From the Executive in Need of Scrutiny - Regulations From the Executive in Need of Scrutiny Act of 2014 - (Sec. 102) States that the purposes of this Act are to: (1) increase accountability for and transparency in the federal regulatory process by requiring Congress to approve all new major regulations, and (2) include in the definition of "major rule" any rule that implements or provides for the imposition or collection of a tax on carbon emissions. Defines "carbon tax" as a fee, levy, or price on: (1) emissions, including carbon dioxide emissions generated by the burning of coal, natural gas, or oil; or (2) coal, natural gas, or oil based on emissions, including carbon dioxide emissions, that would be generated through the fuel's combustion.

(Sec. 103) Revises provisions relating to congressional review of agency rulemaking to require a federal agency promulgating a rule to include in its report to Congress and to the Comptroller General: (1) a classification of the rule as a major or nonmajor rule; (2) a list of other regulatory actions taken by the agency or by any other federal agency 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 (3) a complete copy of any cost-benefit analysis of a rule, including an analysis of jobs added or lost, differentiating between public and private sector jobs.

Requires a joint resolution of approval of major rules to be enacted before such rules may take effect (currently, major rules take effect unless a joint resolution disapproving them is enacted). Provides that if a joint resolution of approval is not enacted by the end of 70 session days or legislative days, as applicable, after the agency proposing the rule submits its report on such rule to Congress, the major rule shall be deemed not to be approved and shall not take effect. Permits a major rule to take effect for one 90-calendar-day period without such approval if the President determines it is

necessary because of an imminent threat to health or safety or other emergency, for the enforcement of criminal laws, for national security, or to implement an international trade agreement.

Sets forth the congressional approval procedure for major rules and the congressional disapproval procedure for nonmajor rules.

Requires the introduction of a joint resolution addressing a report classifying a rule as a major rule within three legislative days in the House of Representative and three session days in the Senate. Prohibits any amendments to such a joint resolution at any stage of the legislative process. Provides for expedited consideration of a joint resolution of approval and requires a vote on such resolution in the Senate within 15 session days after it is reported by the committee to which it was referred, or after such committee has been discharged from further consideration of the resolution.

Revises the definition of "major rule" to mean any rule that: (1) has resulted in or is likely to result in an annual effect on the economy of \$50 million or more (currently, \$100 million); (2) is made by the Administrator of the Environmental Protection Agency (EPA) and that would have a significant impact on a substantial number of agricultural entities; (3) implements or provides for the imposition or collection of a carbon tax; or (4) is made under the Patient Protection and Affordable Care Act.

Allows a court to review whether an agency has completed the necessary requirements under this Act for a rule to take effect. Limits the effect of a joint resolution of approval of a major rule.

Makes this Act inapplicable to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 104) Amends the Balanced Budget and Emergency Deficit Control Act of 1985 to provide that any congressional approval procedure set forth in this Act affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with this Act.

(Sec. 105) Directs the Comptroller General to conduct and report on a study to determine how many rules and major rules were in effect as of the date of enactment of this Act and the total estimated economic cost imposed by all such rules.

Title II: Permanent Internet Tax Freedom - Permanent Internet Tax Freedom Act - Amends the Internet Tax Freedom Act to make permanent the ban on state and local taxation of Internet access and on multiple or discriminatory taxes on electronic commerce.

Division V: Natural Resources - Subdivision A: Restoring Healthy Forests for Healthy Communities - Restoring Healthy Forests for Healthy Communities Act - **Title I: Restoring the Commitment to Rural Counties and Schools** -

(Sec. 103) Directs the Department of Agriculture (USDA) to establish at least one Forest Reserve Revenue Area (Revenue Area) within each unit of the National Forest System (NFS) designated for sustainable forest management for the production of national forest materials (the sale of trees, portions of trees, or forest products from NFS lands) and forest reserve revenues.

States that the purpose of an Area is to provide a dependable source of 25% payments and economic activity for each beneficiary county containing NFS land that was eligible to receive payments through its state under the Secure Rural Schools and Community Self-Determination Act of 2000. (The U.S. Forest Service historically shares 25% of all timber revenues with rural counties containing National Forest land to compensate them for large amounts of federal land that

cannot be taxed locally. Since the 2000 Act, states or counties can choose for those distribution amounts to be based on historic rather than current revenue.)

Requires USDA to determine the annual volume requirement (a volume of national forest materials at least 50% of the Revenue Area's sustained yield) for national forest materials from each Revenue Area. Defines "sustained yield" to mean the maximum annual growth potential of the forest calculated on the basis of the culmination of mean annual increment using cubic measurement.

Prohibits USDA from reducing the number of acres of NFS land in a Revenue Area once it has been established.

(Sec. 104) Instructs USDA to manage Revenue Areas in the manner necessary to achieve their annual volume requirement.

Sets forth provisions governing compliance with the National Environmental Policy Act of 1969 (NEPA) and the Endangered Species Act of 1973.

Specifies procedures for administrative and judicial review of forest projects.

Permits USDA to allow use of all-terrain vehicles within Revenue Areas for the purpose of activities associated with the sale of national forest materials.

(Sec. 105) Requires forest reserve revenues to be used to make: (1) 25% payments to states for beneficiary counties, and (2) deposits into the Knutson-Vandenburg Fund and the salvage sale fund in contributions equal to the monies collected for those funds for projects conducted on NFS land.

(Sec. 106) Sets forth annual reporting requirements related to each Revenue Area.

Title II: Healthy Forest Management and Catastrophic Wildfire Prevention - (Sec. 203) Authorizes USDA, with respect to NFS land, and the Department of Interior, with respect to Bureau of Land Management (BLM) land, to implement a hazardous fuel reduction project (reducing or modifying living and dead vegetation to protect against the risk of wildfires) or forest health project in at-risk forests in a manner that focuses on specific fuels reduction activities.

(Sec. 204) Sets forth provisions governing compliance with NEPA.

Exempts such a project from judicial review or any federal court injunction if its primary purpose is the salvage of dead, damaged, or down timber resulting from wildfires occurring in 2013 or 2014.

(Sec. 205) Allows a state governor to designate high-risk areas of federal land in the state for purposes of addressing: (1) deteriorating forest health conditions due to the bark beetle epidemic or drought, with the resulting imminent risk of devastating wildfires; and (2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

Prohibits the following federal land from being 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, and (3) federal land within a National Monument.

(Sec. 206) Allows a state to provide for the development of proposed hazardous fuel reduction projects or forest health

projects for a designated high-risk area.

(Sec. 207) Bars USDA from conducting any prescribed fire (except as part of wildfire suppression activities) in the Mark Twain National Forest in Missouri under the Collaborative Forest Landscape Restoration Project until a report is submitted to Congress evaluating management practices for the Forest.

Title III: Oregon and California Railroad Grant Lands Trust, Conservation, and Jobs - O&C Trust, Conservation, and Jobs Act - Subtitle A: Trust, Conservation, and Jobs - Chapter 1: Creation and Terms of O&C Trust - (Sec. 311) Establishes the Oregon and California Railroad Grant Lands Trust to produce annual maximum sustained revenues in perpetuity for Trust counties by managing the timber resources on Trust lands.

Designates certain land in Oregon as O&C Trust lands.

(Sec. 312) Sets forth provisions establishing the legal treatment of O&C Trust lands.

(Sec. 313) Authorizes the governor of Oregon to appoint the Board of Trustees for the Oregon and California Railroad Grant Lands Trust to administer the O&C Trust and O&C Trust lands.

(Sec. 314) Requires the Board to administer the O&C Trust lands in compliance with all federal and state laws in the same manner as those laws apply to private forest lands.

Specifies requirements for timber sale plans, stand rotation, competitive bidding, sale terms, riparian area management, pest and vegetation management, and fire protection.

(Sec. 315) Prescribes requirements for calculation and distribution of annual payments made to each O&C Trust county.

Directs the Board to generate a reserve fund to: (1) pay management and administrative expenses or capital improvement costs on O&C Trust lands, and (2) make payments to O&C Trust counties when regular payments to them are projected to be 90% or less of the previous year's payments.

Directs the Board to use a portion of revenues generated from activity on the O&C Trust lands to establish a O&C Trust Conservation Fund.

(Sec. 316) Authorizes the Board to negotiate proposals for land exchanges with owners of lands adjacent to O&C Trust lands. Sets forth criteria for approval of the exchanges.

(Sec. 317) Requires the O&C Trust to pay \$10 million to the U.S. Treasury for seven years after the transition period.

Chapter 2: Transfer of Certain Lands to Forest Service - (Sec. 321) Directs the Department of the Interior to transfer administrative jurisdiction over certain land in Oregon to USDA for inclusion in the NFS.

(Sec. 322) Sets forth provisions governing the management of land included in NFS.

(Sec. 323) Authorizes USDA to conduct land exchanges involving the land included in NFS.

(Sec. 324) Requires USDA to appoint an Old Growth Review Panel to define old growth as it applies to land managed by the O&C trust or included in NFS in western Oregon.

Chapter 3: Transition - (Sec. 331) Provides for a three-year transition period and specifies the activities that should occur during the period.

(Sec. 332) Establishes the Board's borrowing authority.

(Sec. 333) Prescribes requirements for the treatment of existing contracts and the protection of valid existing rights and access to non-federal land.

(Sec. 335) Repeals a federal law relating to the Oregon and California Railroad Grant lands and Coos Bay Wagon Road Grant lands.

Subtitle B: Coos Bay Wagon Roads - (Sec. 341) Directs Interior to transfer management authority over the reconveyed Coos Bay Wagon Road Grant lands, with certain exceptions, and their surface resources to Coos County, Oregon.

(Sec. 342) Directs Interior to transfer administrative jurisdiction over certain Coos Bay Wagon Road Grant lands to USDA for inclusion in the NFS.

(Sec. 343) Permits Coos County to recommend to USDA and carry out land exchanges.

Subtitle C: Oregon Treasures - Chapter 1: Wilderness Areas - (Sec. 351) Designates approximately 30,520 acres of federal land in Oregon as the Devil's Staircase Wilderness for inclusion in the National Wilderness Preservation System.

(Sec. 352) Adds approximately 58,100 acres of federal land to the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

Chapter 2: Wild and Scenic River Designated and Related Protections - (Sec. 361) Amends the Wild and Scenic Rivers Act to designate specified segments of the Molalla River in Oregon as components of the National Wild and Scenic Rivers System to be administered by Interior as a recreational river.

(Sec. 363) Designates Franklin and Wasson Creeks in Oregon as wild rivers in the National Wild and Scenic Rivers System.

(Sec. 364) Designates specified segments of the Rogue River in Oregon as a component of the National Wild and Scenic Rivers System.

(Sec. 365) Withdraws the federal land within a quarter mile on each side of specified segments of the Rogue River from: (1) entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; or (3) disposition under laws pertaining to mineral and geothermal leasing or mineral materials.

Chapter 3: Additional Protections - (Sec. 371) Prohibits Interior or USDA from acquiring by condemnation any land or interest within the boundaries of the river segments or wilderness designated by this subtitle.

Requires landowner approval before including non-federal property within the boundaries of the river segments or wilderness designated by this subtitle.

(Sec. 375) Prohibits any national monument on specified land in Oregon without an Act of Congress.

Chapter 4: Effective Date - (Sec. 381) States that the effective date of this subtitle is October 1 of the second fiscal year of the transition period.

Subtitle D: Tribal Trust Lands - Part 1: Council Creek Land Conveyance - (Sec. 392) Holds in trust for the Cow Creek Band of Umpqua Tribe of Indians all interest of the United States in and to the approximately 17,519 acres of Council Creek land. Makes that land part of the Tribe's reservation.

(Sec. 394) Prohibits the export of unprocessed logs harvested from federal land conveyed to the Tribe.

Prohibits gaming on those lands.

Part 2: Oregon Coastal Land Conveyance - (Sec. 396) Holds in trust for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians all right, title, and interest of the United States in and to approximately 14,804 acres of specified federal land. Makes that land part of the Tribes' reservation.

(Sec. 398) Prohibits the export of unprocessed logs harvested from federal land conveyed to the Tribe.

Prohibits gaming on those lands.

Title IV: Community Forest Management Demonstration - (Sec. 401) Directs USDA to establish the community forest demonstration program for local, sustainable forest management by counties and local governments.

(Sec. 402) Requires USDA to establish a community forest designation area consisting of NFS land.

(Sec. 403) Requires a community forest demonstration area for a state to be managed by an advisory committee appointed by the governor.

(Sec. 404) Directs an advisory committee to: (1) cooperate and consult with Indian tribes on management policies and practices for the area that may affect those tribes, and (2) consult with any applicable forest collaborative group.

Prohibits the export of unprocessed timber harvested from a community demonstration area as a condition on the sale of timber or other forest products from a community demonstration area.

(Sec. 405) Allows an advisory committee to retain funds generated from the area that are necessary to fund management, administration, restoration, operation and maintenance, improvement, repair, and related expenses.

Requires an advisory committee to distribute funds generated from the area to counties and local governments proportional to the amount of forest land it has.

(Sec. 406) Permits counties to use funds received under the Secure Rural Schools and Community Self-Determination Act of 2000 to provide initial funding for the management of community forest demonstration areas.

(Sec. 407) Requires an advisory committee to make payments to the U.S. Treasury based on revenue generated by management of the forest land.

(Sec. 408) Permits an advisory committee to terminate the area by a unanimous vote, subject to approval of the state governor.

Title V: Reauthorization and Amendment of Existing Authorities and Other Matters - (Sec. 501) Directs USDA to distribute to each beneficiary county during February 2015 a payment equal to the amount distributed to the county for FY2010 under the Secure Rural Schools and Community Self-Determination Act of 2000. Specifies a formula for making payments.

(Sec. 502) Restores the original method for calculating 25% payments (based on the prior year revenue) to counties as compensation for the large amount of forest service land that cannot be taxed rather than using an average of past years.

(Sec. 503) Authorizes the USDA for NFS land or Interior for BLM land to enter into a cooperative agreement or contract (including a sole source contract) with a state forester to provide forest, rangeland, and watershed restoration, management, and protection services.

(Sec. 504) Prohibits the use of funds made available to a beneficiary county or other political subdivision of a state under this Act to replace state funding sources for local schools, facilities, or educational purposes.

(Sec. 505) Defines "fire suppression" to include reforestation, site rehabilitation, salvage operations, and replanting occurring following fire damage on lands under the jurisdiction of USDA or Interior or following fire suppression efforts.

(Sec. 506) Bars the Forest Service from removing or otherwise eliminating any legally created road or trail unless there has been a specific decision, which included adequate and appropriate public involvement, to decommission that road or trail.

Subdivision B: National Strategic and Critical Minerals Production - National Strategic and Critical Minerals Production Act of 2014 - **Title I: Development of Domestic Sources of Strategic and Critical Minerals** - (Sec. 101) Deems a domestic mine that will provide strategic and critical minerals to be an "infrastructure project" as described in Presidential Order "Improving Performance of Federal Permitting and Review of Infrastructure Projects" dated March 22, 2012.

(Sec. 102) Sets forth the responsibilities of the lead agency (federal, state, local, tribal, or Alaska Native Corporation) with responsibility for issuing a mineral exploration or mine permit with respect to project coordination, agency consultation, project proponents, contractors, and the status and scope of any environmental impact statement.

Requires the lead agency to determine that any action to approve an exploration or mine permit does not constitute a major federal action significantly affecting the quality of the human environment under NEPA if the procedural and substantive safeguards of the lead agency's 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.

Requires the lead agency's project lead, upon request of a project proponent, to enter into an agreement with the project proponent and other cooperating agencies that sets time limits for each part of the permitting process.

Applies this Act to a mineral exploration or mine permit for which an application was submitted before enactment of this Act if the applicant so requests in writing. Requires the lead agency to begin implementing this Act with respect to such application within 30 days after receiving such request.

Requires the lead agency, with respect to strategic and critical minerals within a federally administered unit of NFS, to: (1) exempt from federal regulations governing Special Areas all areas of identified mineral resources in Land Use Designations (other than Non-Development Land Use Designations); (2) apply such exemption to all additional routes and areas that the agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of the identified mineral resources; and (3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit.

(Sec. 103) Declares that the priority of the lead agency is to maximize mineral resource development while mitigating

environmental impacts, so that more of the mineral resource can be brought to the market place.

(Sec. 104) Prescribes the Federal Register notice process for mineral exploration and mining projects.

Title II: Judicial Review of Agency Actions Relating to Exploration and Mine Permits - (Sec. 202) Bars a civil action claiming legal wrong caused by an agency action unless it is filed by the end of the 60-day period beginning on the date of the final federal agency action to which it relates.

(Sec. 203) Authorizes the holder of a mineral exploration or mine permit to intervene as of right in any covered civil action by a person affecting rights or obligations of the permit holder under the permit.

(Sec. 204) Requires the court to hear and determine any covered civil action as expeditiously as possible.

(Sec. 205) Prohibits the court, in a covered civil action, from granting or approving prospective relief unless it finds that it is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct such violation.

(Sec. 206) Declares inapplicable to such a civil action specified requirements of the Equal Access to Justice Act relating to award of costs and fees to a prevailing plaintiff.

Prohibits payment from the federal government for court costs of a party in such a civil action, including attorneys' fees and expenses.

Title III: Miscellaneous Provisions - (Sec. 301) Prohibits the construction of this Act as affecting any aspect of Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, regarding potash, oil, and gas leasing and development within the Designated Potash Area in Eddy and Lea Counties, New Mexico.

Actions Timeline

- **Nov 13, 2014:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 597.
- **Nov 12, 2014:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Sep 18, 2014:** Rule H. Res. 727 passed House.
- **Sep 18, 2014:** Considered under the provisions of rule H. Res. 727. (consideration: CR H7773-7819)
- **Sep 18, 2014:** Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Resolution provides that each bill may be debatable for 2 hours, equally divided and controlled by the chair and ranking member of their respective committees. The bills shall be considered as read, all points of order against the provisions of the bill are waived, and each bill is provided with one motion to recommit.
- **Sep 18, 2014:** DEBATE - The House proceeded with two hours of debate on H.R. 4.
- **Sep 18, 2014:** The previous question was ordered pursuant to the rule. (consideration: CR H7818)
- **Sep 18, 2014:** POSTPONED PROCEEDINGS - Pursuant to clause 1(c) of rule 19, further proceedings on H.R. 4 were postponed.
- **Sep 18, 2014:** Considered as unfinished business. (consideration: CR H7854-7858)
- **Sep 18, 2014:** Mr. Bishop (NY) moved to recommit with instructions to the Committee on Ways and Means. (consideration: CR H7854-7857; text: CR H7854-7856)
- **Sep 18, 2014:** DEBATE - The House proceeded with 10 minutes of debate on the Bishop (NY) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to (1) give a tax credit of up to 20% for expenses of returning American jobs from overseas; (2) deny tax deductions for the costs of sending American jobs overseas; (3) make it more difficult for corporations to invert in order to lower their tax bills by moving their address overseas through a merger with a smaller foreign corporation; and (4) deny the tax benefits in the underlying bill to inverted corporations. Additionally, the Motion would provide for consideration of: (1) H.R. 377, Paycheck Fairness Act, (2) H.R. 1010, Fair Minimum Wage Act, (3) H.R. 4582, Bank on Students Emergency Loan Refinancing Act, (4) H.R. 1286, Healthy Families Act, and (5) H.R. 3461, Strong Start for Americas Children Act.
- **Sep 18, 2014:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7858)
- **Sep 18, 2014:** On motion to recommit with instructions Failed by the Yeas and Nays: 191 - 218 (Roll no. 512).
- **Sep 18, 2014:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 253 - 163 (Roll no. 513).(text: H7773-7807)
- **Sep 18, 2014:** On passage Passed by the Yeas and Nays: 253 - 163 (Roll no. 513). (text: H7773-7807)
- **Sep 18, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 16, 2014:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Sep 16, 2014:** Rules Committee Resolution H. Res. 727 Reported to House. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Resolution provides that each bill may be debatable for 2 hours, equally divided and controlled by the chair and ranking member of their respective committees. The bills shall be considered as read, all points of order against the provisions of the bill are waived, and each bill is provided with one motion to recommit.
- **Sep 15, 2014:** Introduced in House
- **Sep 15, 2014:** Referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Oversight and Government Reform, Rules, the Judiciary, Financial Services, Agriculture, Natural Resources, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.