

(2) **LIMITATION.**—The Federal Trade Commission may initiate investigations under this subsection unless the Attorney General determines that such an investigation would impede an ongoing criminal investigation or national security activity.

(3) **COORDINATION AGREEMENT.**—

(A) **IN GENERAL.**—In order to avoid conflicts and promote consistency regarding the enforcement and litigation of matters under this Act, not later than 180 days after the enactment of this Act, the Attorney General and the Federal Trade Commission shall enter into an agreement for coordination regarding the enforcement of this Act.

(B) **REQUIREMENT.**—The coordination agreement entered into under subparagraph (A) shall include provisions to ensure that parallel investigations and proceedings under this section are conducted in a matter that avoids conflicts and does not impede the ability of the Attorney General to prosecute violations of Federal criminal laws.

(4) **COORDINATION WITH THE FCC.**—If an enforcement action under this Act relates to customer proprietary network information, the Federal Trade Commission shall coordinate the enforcement action with the Federal Communications Commission.

(f) **RULEMAKING.**—The Federal Trade Commission may, in consultation with the Attorney General, issue such other regulations as it determines to be necessary to carry out this subtitle. All regulations promulgated under this Act shall be issued in accordance with section 553 of title 5, United States Code. Where regulations relate to customer proprietary network information, the promulgation of such regulations will be coordinated with the Federal Communications Commission.

(g) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(h) **FRAUD ALERT.**—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

SEC. 218. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle; or

(C) civil penalties of not more than \$11,000 per day per security breach up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) **PENALTY LIMITATION.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this

subtitle resulting from the same or related acts or omissions may not exceed \$1,000,000, unless such conduct is found to be willful or intentional.

(B) **DETERMINATIONS.**—The determination of whether a violation of a provision of this subtitle has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this subtitle was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) **ADDITIONAL PENALTY LIMIT.**—If a court determines under subparagraph (B) that a violation of a provision of this subtitle was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$1,000,000.

(3) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

- (i) written notice of the action; and
- (ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) **FEDERAL PROCEEDINGS.**—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 217 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) **PENDING PROCEEDINGS.**—If the Attorney General or the Federal Trade Commission initiate a criminal proceeding or civil action for a violation of a provision of this subtitle, or any regulations thereunder, no attorney general of a State may bring an action for a violation of a provision of this subtitle against a defendant named in the Federal criminal proceeding or civil action.

(d) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—

(1) **VENUE.**—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 219. EFFECT ON FEDERAL AND STATE LAW.

For any entity, or agency that is subject to this subtitle, the provisions of this subtitle shall supersede any other provision of Federal law, or any provisions of the law of any State, relating to notification of a security breach, except as provided in section 214(b). Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) or its implementing regulations, including those regulations adopted or enforced by States, the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) or its implementing regulations, or the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937) or its implementing regulations.

SEC. 220. REPORTING ON EXEMPTIONS.

(a) **FTC REPORT.**—Not later than 18 months after the date of enactment of this Act, and upon request by Congress thereafter, the Federal Trade Commission shall submit a report to Congress on the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 212(b) and their response to such notices.

(b) **LAW ENFORCEMENT REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, the United States Secret Service and Federal Bureau of Investigation shall submit a report to Congress on the number and nature of security breaches subject to the national security and law enforcement exemptions under section 212(a).

(2) **REQUIREMENT.**—The report required under paragraph (1) shall not include the contents of any risk assessment provided to the United States Secret Service and the Federal Bureau of Investigation under this subtitle.

SEC. 221. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

TITLE III—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT

SEC. 301. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2613. Mr. PORTMAN (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table.

SA 2614. Mr. PAUL (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2615. Mr. INHOFE (for himself, Mr. McCONNELL, Mr. VITTER, Mr. BLUNT, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2616. Mr. PORTMAN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2617. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2618. Mrs. SHAHEEN (for herself, Mr. SCHATZ, Ms. HIRONO, Mr. BLUMENTHAL, Mr. WARNER, Mr. UDALL of New Mexico, Mr. COONS, Mr. BEGICH, Ms. LANDRIEU, Ms. BALDWIN, Mr. KAINE, Mr. FRANKEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2619. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2620. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2621. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2622. Mr. THUNE (for himself, Mr. CHAMBLISS, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2623. Mr. McCONNELL (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2624. Mr. McCONNELL (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2625. Mr. McCONNELL (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2626. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2613. Mr. PORTMAN (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) IN GENERAL.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by adding at the end the following:

“(C)(i) If for any month an individual is entitled to unemployment compensation, such individual shall be deemed to have engaged in substantial gainful activity for such month.

“(ii) For purposes of clause (i), the term ‘unemployment compensation’ means—

“(I) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

“(II) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).”

(b) TRIAL WORK PERIOD.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

“(6)(A) For purposes of this subsection, an individual shall be deemed to have rendered services in a month if the individual is entitled to unemployment compensation for such month.

“(B) For purposes of subparagraph (A), the term ‘unemployment compensation’ means—

“(i) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

“(ii) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).”

(c) DATA MATCHING.—The Commissioner of Social Security shall implement the amendments made by this section using appropriate electronic data.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months after December 2014.

SA 2614. Mr. PAUL (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION B—ECONOMIC FREEDOM ZONES

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Economic Freedom Zones Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PROHIBITION AGAINST A FEDERAL GOVERNMENT BAILOUT OF A STATE, CITY, OR MUNICIPALITY

Sec. 101. Prohibition of Federal Government Bailouts.

TITLE II—DESIGNATION OF ECONOMIC FREEDOM ZONES (EFZ)

Sec. 201. Eligibility requirements for Economic Freedom Zone Status.

Sec. 202. Area and regional requirements.

Sec. 203. Application and duration of designation.

TITLE III—FEDERAL TAX INCENTIVES

Sec. 301. Tax incentives related to Economic Freedom Zones.

TITLE IV—FEDERAL REGULATORY REDUCTIONS

Sec. 401. Suspension of certain laws and regulations.

TITLE V—EDUCATIONAL ENHANCEMENTS

Sec. 501. Educational opportunity tax credit.

Sec. 502. School choice through portability.

Sec. 503. Special economic freedom zone visas.

Sec. 504. Economic Freedom Zone educational savings accounts.

TITLE VI—COMMUNITY ASSISTANCE

AND REBUILDING

Sec. 601. Nonapplication of Davis-Bacon.

Sec. 602. Economic Freedom Zone charitable tax credit.

TITLE VII—STATE AND COMMUNITY

POLICY RECOMMENDATIONS

Sec. 701. Sense of the Senate concerning policy recommendations.

SEC. 2. DEFINITIONS.

In this division:

(1) CITY.—The term “city” means any unit of general local government that is classified as a municipality by the United States Census Bureau, or is a town or township as determined jointly by the Director of the Office of Management and Budget and the Secretary of the Treasury.

(2) COUNTY.—The term “County” means any unit of local general government that is classified as a county by the United States Census Bureau.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a State, municipality, zip code, or rural area.

(4) MUNICIPALITY.—The term “municipality” has the meaning given that term in section 101(40) of title 11, United States Code.

(5) RURAL AREA.—The term “rural area” means any area not in an urbanized area, as that term is defined by the Census Bureau.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(7) ZIP CODE.—The term “zip code” means any area or region associated with or covered by a United States Postal zip code of not less than 5 digits.

TITLE I—PROHIBITION AGAINST A FEDERAL GOVERNMENT BAILOUT OF A STATE, CITY, OR MUNICIPALITY

SEC. 101. PROHIBITION OF FEDERAL GOVERNMENT BAILOUTS.

(a) DEFINITIONS.—In this section—

(1) the term “credit rating” has the meaning given that term in section 3(a)(60) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(60));

(2) the term “credit rating agency” has the meaning given that term in section 3(a)(61) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(61));

(3) the term “Federal assistance” means the use of any advances from the Federal Reserve credit facility or discount window that is not part of a program or facility with broad-based eligibility under section 13(3)(A) of the Federal Reserve Act (12 U.S.C. 343(3)(A)), Federal Deposit Insurance Corporation insurance, or guarantees for the purpose of—

(A) making a loan to, or purchasing any interest or debt obligation of, a municipality;

(B) purchasing the assets of a municipality;

(C) guaranteeing a loan or debt issuance of a municipality; or

(D) entering into an assistance arrangement, including a grant program, with an eligible entity;

(4) the term “insolvent” means, with respect to an eligible entity, a financial condition such that the eligible entity—

(A) has any debt that has been given a credit rating lower than a “B” by a nationally recognized statistical rating organization or a credit rating agency;

(B) is not paying its debts as they become due, unless such debts are the subject of a bona fide dispute; or