

## Union Calendar No. 48

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1745

[Report No. 112–87, Part I]

To improve jobs, opportunity, benefits, and services for unemployed Americans, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. CAMP (for himself, Mr. DAVIS of Kentucky, and Mr. BERG) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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

MAY 23, 2011

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 23, 2011

Additional sponsor: Mr. STIVERS

MAY 23, 2011

The Committee on the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 5, 2011]

# **A BILL**

To improve jobs, opportunity, benefits, and services for  
unemployed Americans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Jobs, Opportunity, Benefits, and Services Act of 2011” or*  
 6 *the “JOBS Act of 2011”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 8 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

**TITLE I—REFORMS OF UNEMPLOYMENT COMPENSATION TO  
 PROMOTE WORK AND JOB CREATION**

*Sec. 101. Consistent job search requirements.*

*Sec. 102. Participation in reemployment services made a condition of benefit re-*  
*ceipt.*

*Sec. 103. State flexibility to promote the reemployment of unemployed workers.*

*Sec. 104. Repeal of regulation requiring higher State taxes.*

*Sec. 105. Restore State flexibility to improve unemployment program solvency.*

*Sec. 106. Data standardization for improved data matching.*

*Sec. 107. Technical and conforming amendments.*

**TITLE II—FORWARD FUNDING OF REMAINING FEDERAL  
 UNEMPLOYMENT COMPENSATION FUNDS**

*Sec. 201. Special transfers to all States.*

*Sec. 202. Emergency unemployment compensation transition rules.*

*Sec. 203. Extended benefits program transition rules.*

*Sec. 204. Emergency designation.*

9 **TITLE I—REFORMS OF UNEM-**  
 10 **PLOYMENT COMPENSATION**  
 11 **TO PROMOTE WORK AND JOB**  
 12 **CREATION**

13 **SEC. 101. CONSISTENT JOB SEARCH REQUIREMENTS.**

14 (a) *IN GENERAL.*—*Section 303(a) of the Social Secu-*  
 15 *rity Act is amended by adding at the end the following:*

1           “(11)(A) A requirement that, as a condition of  
2           *eligibility for regular compensation for any week, a*  
3           *claimant must be able to work, available to work, and*  
4           *actively seeking work.*

5           “(B) For purposes of this paragraph, the term  
6           ‘actively seeking work’ means, with respect to any in-  
7           *dividual, that such individual is actively engaged in*  
8           *a systematic and sustained effort to obtain work, as*  
9           *determined based on evidence (whether in electronic*  
10           *format or otherwise) satisfactory to the State agency*  
11           *charged with the administration of the State law.*

12           “(C) The specific requirements that must be met  
13           *in order to satisfy this paragraph shall be established*  
14           *by the State agency, and shall include at least the fol-*  
15           *lowing:*

16                   “(i) Registration for employment services  
17                   *within 14 days after making initial application*  
18                   *for regular compensation.*

19                   “(ii) Posting a resume, record, or other ap-  
20                   *plication for employment on such database as*  
21                   *the State agency may require.*

22                   “(iii) Applying, in such manner as the  
23                   *State agency may require, for work which is*  
24                   *similar to that previously performed by the indi-*  
25                   *vidual, and which offers wages comparable to*

1           wages for similar work in the local labor market  
2           in which the individual resides or is actively  
3           seeking work.”.

4           (b) *EFFECTIVE DATE.*—The amendment made by sub-  
5 section (a) shall apply to weeks beginning after the end of  
6 the first session of the State legislature which begins after  
7 the date of enactment of this Act.

8   **SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES**  
9                           **MADE A CONDITION OF BENEFIT RECEIPT.**

10          (a) *SOCIAL SECURITY ACT.*—Paragraph (10) of sec-  
11 tion 303(a) of the Social Security Act is amended to read  
12 as follows:

13                   “(10)(A) A requirement that, as a condition of  
14 eligibility for regular compensation for any week—

15                           “(i) a claimant shall meet the minimum  
16 educational requirements set forth in subpara-  
17 graph (B); and

18                           “(ii) any claimant who has been referred to  
19 reemployment services shall participate in such  
20 services.

21                   “(B) For purposes of this paragraph, an indi-  
22 vidual shall not be considered to have met the min-  
23 imum educational requirements of this subparagraph  
24 unless such individual—

25                           “(i) has earned a high school diploma;

1           “(ii) has earned the General Educational  
2           Development (GED) credential or other State-  
3           recognized equivalent (including by meeting rec-  
4           ognized alternative standards for individuals  
5           with disabilities); or

6           “(iii) is enrolled and making satisfactory  
7           progress in classes leading to satisfaction of  
8           clause (ii).

9           “(C) The requirements of subparagraph (B) may  
10          be waived for an individual to the extent that the  
11          State agency charged with the administration of the  
12          State law deems such requirements to be unduly bur-  
13          densome in the case of such individual.”.

14          (b) *INTERNAL REVENUE CODE OF 1986.*—Paragraph  
15          (8) of section 3304(a) of the Internal Revenue Code of 1986  
16          is amended to read as follows:

17                 “(8) compensation shall not be denied to an in-  
18                 dividual for any week in which the individual is en-  
19                 rolled and making satisfactory progress in education  
20                 or training which has been previously approved by  
21                 the State agency;”.

22          (c) *EFFECTIVE DATE.*—The amendments made by this  
23          section shall apply to weeks beginning after the end of the  
24          first session of the State legislature which begins after the  
25          date of enactment of this Act.

1 **SEC. 103. STATE FLEXIBILITY TO PROMOTE THE REEMPLOY-**  
2 **MENT OF UNEMPLOYED WORKERS.**

3 *Title III of the Social Security Act (42 U.S.C. 501*  
4 *and following) is amended by adding at the end the fol-*  
5 *lowing:*

6 **“DEMONSTRATION PROJECTS**

7 **“SEC. 305. (a) The Secretary of Labor may enter into**  
8 *agreements, with States submitting an application de-*  
9 *scribed in subsection (b), for the purpose of allowing such*  
10 *States to conduct demonstration projects to test and evalu-*  
11 *ate measures designed—*

12 *“(1) to expedite the reemployment of individuals*  
13 *who establish initial eligibility for unemployment*  
14 *compensation under the State law of such State; or*

15 *“(2) to improve the effectiveness of a State in*  
16 *carrying out its State law with respect to reemploy-*  
17 *ment.*

18 **“(b) The Governor of any State desiring to conduct**  
19 *a demonstration project under this section shall submit an*  
20 *application to the Secretary of Labor. Any such application*  
21 *shall, at a minimum, include—*

22 *“(1) a general description of the proposed dem-*  
23 *onstration project, including the authority (under the*  
24 *laws of the State) for the measures to be tested, as*  
25 *well as the period of time during which such dem-*  
26 *onstration project would be conducted;*

1           “(2) if a waiver under subsection (c) is re-  
2           requested, the specific aspects of the project to which the  
3           waiver would apply and the reasons why such waiver  
4           is needed;

5           “(3) a description of the goals and the expected  
6           programmatic outcomes of the demonstration project,  
7           including how the project would contribute to the ob-  
8           jective described in subsection (a)(1), subsection  
9           (a)(2), or both;

10           “(4) assurances (accompanied by supporting  
11           analysis) that the demonstration project would not re-  
12           sult in any increased net costs to the State’s account  
13           in the Unemployment Trust Fund;

14           “(5) a description of the manner in which the  
15           State—

16                   “(A) will conduct an impact evaluation,  
17                   using a control or comparison group or other  
18                   valid methodology, of the demonstration project;  
19                   and

20                   “(B) will determine the extent to which the  
21                   goals and outcomes described in paragraph (3)  
22                   were achieved; and

23           “(6) assurances that the State will provide any  
24           reports relating to the demonstration project, after its  
25           approval, as the Secretary of Labor may require.



1       “(c) *The Secretary of Labor may waive any of the re-*  
2 *quirements of section 3304(a)(4) of the Internal Revenue*  
3 *Code of 1986 or of paragraph (1) or (5) of section 303(a),*  
4 *to the extent and for the period the Secretary of Labor con-*  
5 *siders necessary to enable the State to carry out a dem-*  
6 *onstration project under this section.*

7       “(d) *A demonstration project under this section—*

8               “(1) *may be commenced any time after the date*  
9 *of enactment of this section; and*

10              “(2) *may not be approved for a period of time*  
11 *greater than 3 years, subject to extension upon request*  
12 *of the Governor of the State involved for such addi-*  
13 *tional period as the Secretary of Labor may agree to,*  
14 *except that in no event may a demonstration project*  
15 *under this section be conducted after the end of the 5-*  
16 *year period beginning on the date of enactment of this*  
17 *section.*

18       “(e) *The Secretary of Labor shall, in the case of any*  
19 *State for which an application is submitted under sub-*  
20 *section (b)—*

21              “(1) *notify the State as to whether such applica-*  
22 *tion has been approved or denied within 30 days after*  
23 *receipt of a complete application; and*

1           “(2) provide public notice of the decision within  
2           10 days after providing notification to the State in  
3           accordance with paragraph (1).

4           Public notice under paragraph (2) may be provided through  
5           the Internet or other appropriate means. Any application  
6           under this section that has not been denied within such 30  
7           days shall be deemed approved, and public notice of any  
8           approval under this sentence shall be provided within 10  
9           days thereafter.

10           “(f) The Secretary of Labor may terminate a dem-  
11           onstrations project under this section if the Secretary makes  
12           a final determination that the State has violated the sub-  
13           stantive terms or conditions of the project.”.

14           **SEC. 104. REPEAL OF REGULATION REQUIRING HIGHER**  
15                                   **STATE TAXES.**

16           (a) *IN GENERAL*.—Section 1202(b)(2) of the Social Se-  
17           curity Act is amended—

18                           (1) in subparagraph (A), by inserting “and” at  
19                           the end;

20                           (2) in subparagraph (B), by striking “, and”  
21                           and inserting a period; and

22                           (3) by striking subparagraph (C).

23           (b) *EFFECTIVE DATE*.—The amendments made by sub-  
24           section (a) shall take effect as of the date of enactment of  
25           this Act.

1 **SEC. 105. RESTORE STATE FLEXIBILITY TO IMPROVE UNEM-**  
2 **PLOYMENT PROGRAM SOLVENCY.**

3 (a) *IN GENERAL.*—Subsection (g) of section 4001 of  
4 the Supplemental Appropriations Act, 2008 (Public Law  
5 110–252; 26 U.S.C. 3304 note) is repealed.

6 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
7 section (a) shall take effect as of the date of enactment of  
8 this Act.

9 **SEC. 106. DATA STANDARDIZATION FOR IMPROVED DATA**  
10 **MATCHING.**

11 (a) *IN GENERAL.*—Title IX of the Social Security Act  
12 is amended by adding at the end the following:

13 “DATA STANDARDIZATION FOR IMPROVED DATA MATCHING  
14 “Standard Data Elements

15 “SEC. 911. (a)(1) The Secretary of Labor, in consulta-  
16 tion with an interagency work group established by the Of-  
17 fice of Management and Budget, and considering State per-  
18 spectives, shall, by rule, designate standard data elements  
19 for any category of information required under title III or  
20 this title.

21 “(2) The standard data elements designated under  
22 paragraph (1) shall, to the extent practicable, be nonpropri-  
23 etary and interoperable.

24 “(3) In designating standard data elements under this  
25 subsection, the Secretary of Labor shall, to the extent prac-  
26 ticable, incorporate—

1           “(A) *interoperable standards developed and*  
2           *maintained by an international voluntary consensus*  
3           *standards body, as defined by the Office of Manage-*  
4           *ment and Budget, such as the International Organi-*  
5           *zation for Standardization;*

6           “(B) *interoperable standards developed and*  
7           *maintained by intergovernmental partnerships, such*  
8           *as the National Information Exchange Model; and*

9           “(C) *interoperable standards developed and*  
10          *maintained by Federal entities with authority over*  
11          *contracting and financial assistance, such as the Fed-*  
12          *eral Acquisition Regulations Council.*

13                   *“Data Standards for Reporting*

14          “(b)(1) *The Secretary of Labor, in consultation with*  
15          *an interagency work group established by the Office of Man-*  
16          *agement and Budget, and considering State government*  
17          *perspectives, shall, by rule, designate data reporting stand-*  
18          *ards to govern the reporting required under title III or this*  
19          *title.*

20          “(2) *The data reporting standards required by para-*  
21          *graph (1) shall, to the extent practicable—*

22                   “(A) *incorporate a widely-accepted, non-propri-*  
23                   *etary, searchable, computer-readable format;*

24                   “(B) *be consistent with and implement applica-*  
25                   *ble accounting principles; and*

1           “(C) be capable of being continually upgraded as  
2           *necessary.*

3           “(3) *In designating reporting standards under this*  
4 *subsection, the Secretary of Labor shall, to the extent prac-*  
5 *ticable, incorporate existing nonproprietary standards, such*  
6 *as the eXtensible Business Reporting Language.”.*

7           **(b) EFFECTIVE DATE.**—*The amendment made by this*  
8 *section shall apply after September 30, 2012 .*

9           **SEC. 107. TECHNICAL AND CONFORMING AMENDMENTS.**

10          **(a) USE OF UNEMPLOYMENT COMPENSATION TO**  
11 **REPAY OVERPAYMENTS.**—*Section 3304(a)(4)(D) of the In-*  
12 *ternal Revenue Code of 1986 and section 303(g)(1) of the*  
13 *Social Security Act are amended by striking “may” and*  
14 *inserting “shall”.*

15          **(b) EFFECTIVE DATE.**—*The amendment made by sub-*  
16 *section (a) shall apply to weeks beginning after the end of*  
17 *the first session of the State legislature which begins after*  
18 *the date of enactment of this Act.*

1 **TITLE II—FORWARD FUNDING**  
2 **OF REMAINING FEDERAL UN-**  
3 **EMPLOYMENT COMPENSA-**  
4 **TION FUNDS**

5 **SEC. 201. SPECIAL TRANSFERS TO ALL STATES.**

6 (a) *SPECIAL TRANSFERS IN FISCAL YEARS 2011 AND*  
7 *2012.*—Section 903 of the Social Security Act is amended  
8 *by adding at the end the following:*

9 “*Special Transfers in Fiscal Years 2011 and 2012*

10 “(h)(1) *The Secretary of the Treasury shall transfer*  
11 *(as of the dates determined under paragraph (4)) from the*  
12 *extended unemployment compensation account to the ac-*  
13 *count of each State in the Unemployment Trust Fund the*  
14 *amount determined with respect to such State under para-*  
15 *graph (2).*

16 “(2)(A) *The amount to be transferred to a State under*  
17 *this subsection in any fiscal year is the amount derived by*  
18 *multiplying the applicable total dollar amount for such fis-*  
19 *cal year by the applicable fraction for such State.*

20 “(B) *For purposes of subparagraph (A), the applicable*  
21 *total dollar amount is—*

22 “(i) *for fiscal year 2011, \$12,800,000,000; and*

23 “(ii) *for fiscal year 2012, \$18,200,000,000.*

24 “(C) *For purposes of subparagraph (A), the applicable*  
25 *fraction for a State is a fraction—*

1           “(i) the numerator of which is the total amount  
2           of extended compensation and emergency unemploy-  
3           ment compensation paid out by such State for weeks  
4           beginning in the 12-month period described in clause  
5           (ii); and

6           “(ii) the denominator of which is the total  
7           amount of extended compensation and emergency un-  
8           employment compensation paid out by all States for  
9           weeks beginning in the most recent 12-month period  
10          for which that information is available for all States  
11          as of May 1, 2011.

12          “(3)(A) Except as provided in subparagraph (B),  
13          amounts transferred to a State account pursuant to this  
14          subsection shall be used only in the payment of extended  
15          compensation and emergency unemployment compensation,  
16          in accordance with applicable provisions of Federal and  
17          State law (including agreements and implementing regula-  
18          tions) as in effect on May 1, 2011.

19          “(B) A State may, pursuant to specific legislation en-  
20          acted by the legislative body of the State after the date of  
21          enactment of the JOBS Act of 2011, use money transferred  
22          to the State account of such State under this subsection for  
23          (i) the payment of unemployment compensation, (ii) the re-  
24          payment of advances made to such State under section 1201  
25          (including interest thereon), and (iii) reemployment serv-

1 *ices designed to enhance the rapid reemployment of unem-*  
 2 *ployed workers (such as mandatory workshops, claimant as-*  
 3 *sessments, resume preparation and job search assistance,*  
 4 *wage subsidy programs, eligibility reviews, labor market in-*  
 5 *formation, development of a work-search plan, and train-*  
 6 *ing), if and only if—*

7           *“(I) the purposes and amounts are specified in*  
 8 *the law;*

9           *“(II) the money is withdrawn and expended, for*  
 10 *the purpose described in clause (i), (ii), or (iii) (as*  
 11 *the case may be), after the date of enactment of the*  
 12 *law; and*

13           *“(III) the use of the money is accounted for in*  
 14 *accordance with standards established by the Sec-*  
 15 *retary of Labor.*

16           *“(4) Transfers under this subsection shall—*

17           *“(A) to the extent that they relate to the amount*  
 18 *set forth in paragraph (2)(B)(i), be made within 10*  
 19 *days after the date of enactment of this subsection;*  
 20 *and*

21           *“(B) to the extent that they relate to the amount*  
 22 *set forth in paragraph (2)(B)(ii), be made after Sep-*  
 23 *tember 30, 2011, and on or before October 10, 2011.”.*

24           *(b) RULE OF CONSTRUCTION.—Nothing in section*  
 25 *903(b) of the Social Security Act shall be considered to*



1 *apply with respect to any transfer under section 903(h) of*  
2 *such Act (as amended by this section).*

3 (c) *REGULATIONS.*—*The Secretary of Labor may pre-*  
4 *scribe any operating instructions or regulations necessary*  
5 *to carry out this section and the amendment made by this*  
6 *section.*

7 **SEC. 202. EMERGENCY UNEMPLOYMENT COMPENSATION**  
8 **TRANSITION RULES.**

9 (a) *REPEAL.*—*Section 4003 of the Supplemental Ap-*  
10 *propriations Act, 2008 is repealed.*

11 (b) *FINANCING.*—*Section 4004(e)(1) of the Supple-*  
12 *mental Appropriations Act, 2008 is amended—*

13 (1) *in subparagraph (F), by striking “and” after*  
14 *the semicolon; and*

15 (2) *by adding after subparagraph (G) the fol-*  
16 *lowing:*

17 “(H) *the amendment made by section 201*  
18 *of the Jobs, Opportunity, Benefits, and Services*  
19 *Act of 2011; and”.*

20 (c) *EFFECTIVE DATE OF REPEAL.*—

21 (1) *IN GENERAL.*—*The amendment made by sub-*  
22 *section (a) shall be effective with respect to weeks end-*  
23 *ing after July 6, 2011.*

24 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*  
25 *subsection shall be considered to affect the*

1 *reimbursability of any emergency unemployment*  
 2 *compensation paid for a week ending before July 7,*  
 3 *2011.*

4 ***SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION***  
 5 ***RULES.***

6 *(a) IN GENERAL.—Section 2005 of the Assistance for*  
 7 *Unemployed Workers and Struggling Families Act, as con-*  
 8 *tained in Public Law 111–5 (26 U.S.C. 3304 note), is*  
 9 *amended—*

10 *(1) in subsection (a), by striking “January 4,*  
 11 *2012” and inserting “July 6, 2011”;*

12 *(2) in subsection (b), by striking “January 4,*  
 13 *2012” and inserting “the date of enactment of the*  
 14 *JOBS Act of 2011”;* and

15 *(3) by striking subsection (c).*

16 *(b) TERMINATION OF PROVISIONS RELATING TO TEM-*  
 17 *PORARY MODIFICATION OF EXTENDED BENEFIT INDICA-*  
 18 *TORS.—Section 203 of the Federal-State Extended Unem-*  
 19 *ployment Compensation Act of 1970, as amended by section*  
 20 *502 of the Tax Relief, Unemployment Insurance Reauthor-*  
 21 *ization, and Job Creation Act of 2010 (Public Law 111-*  
 22 *312; 124 Stat. 3307), is amended—*

23 *(1) in subsection (d) (in the next to last sen-*  
 24 *tence), by striking “December 31, 2011” and inserting*  
 25 *“June 30, 2011”;* and

1           (2) in subsection (f)(2), by striking “December  
2           31, 2011” and inserting “June 30, 2011”.

3           (c) SAVINGS PROVISION.—In the case of any State law  
4 which, as of the date of enactment of this Act, has been  
5 amended in conformance with the amendments made by  
6 subsection (a) or (b) of section 502 of the Tax Relief, Unem-  
7 ployment Insurance Reauthorization, and Job Creation Act  
8 of 2010 (Public Law 111-312; 124 Stat. 3307) and section  
9 2005(a) of the Assistance for Unemployed Workers and  
10 Struggling Families Act (Public Law 111-5; 26 U.S.C.  
11 3304 note), the amendment made by subsection (a)(1) shall  
12 be disregarded for purposes of any provision of such State  
13 law which provides for a State “off” indicator or which  
14 otherwise provides for the termination of an extended ben-  
15 efit period by reason of the cessation of full Federal funding  
16 of sharable extended compensation or sharable regular com-  
17 pensation.

18 **SEC. 204. EMERGENCY DESIGNATION.**

19           The budgetary effects of this Act are designated as an  
20 emergency requirement and necessary to meet emergency  
21 needs pursuant to section 4(g) of the Statutory Pay-As-You-  
22 Go Act of 2010.

Union Calendar No. 48

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1745**

[Report No. 112-87, Part I]

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**A BILL**

To improve jobs, opportunity, benefits, and services for unemployed Americans, and for other purposes.

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MAY 23, 2011

Reported from the Committee on Ways and Means with  
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The Committee on the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed