

112TH CONGRESS
1ST SESSION

S. 904

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

IN THE SENATE OF THE UNITED STATES

MAY 5, 2011

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Finance

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”
6 or the “JOBS Act of 2011”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this 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 receipt.
 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. Uniform data elements 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.

1 **TITLE I—REFORMS OF UNEM-**
 2 **EMPLOYMENT COMPENSATION**
 3 **TO PROMOTE WORK AND JOB**
 4 **CREATION**

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

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

8 “(11)(A) A requirement that, as a condition of
 9 eligibility for regular compensation for any week, a
 10 claimant must be able to work, available to work,
 11 and actively seeking work.

12 “(B) For purposes of this paragraph, the term
 13 ‘actively seeking work’ means, with respect to any
 14 individual, that such individual is actively engaged in
 15 a systematic and sustained effort to obtain work, as
 16 determined based on evidence (whether in electronic
 17 format or otherwise) satisfactory to the State agency
 18 charged with the administration of the State law.

1 “(C) The specific requirements that must be
2 met in order to satisfy this paragraph shall be estab-
3 lished by the State agency, and shall include at least
4 the following:

5 “(i) Registration for employment services
6 within 14 days after making initial application
7 for regular compensation.

8 “(ii) Posting a resume, record, or other ap-
9 plication for employment on such database as
10 the State agency may require.

11 “(iii) Applying, in such manner as the
12 State agency may require, for work which is
13 similar to that previously performed by the indi-
14 vidual, and which offers wages comparable to
15 wages for similar work in the local labor market
16 in which the individual resides or is actively
17 seeking work.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply to weeks beginning after Sep-
20 tember 30, 2011.

21 **SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES**
22 **MADE A CONDITION OF BENEFIT RECEIPT.**

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

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

3 “(i) a claimant shall meet the minimum
4 educational requirements set forth in subpara-
5 graph (B); and

6 “(ii) any claimant who has been referred to
7 reemployment services shall participate in such
8 services.

9 “(B) For purposes of this paragraph, an indi-
10 vidual shall not be considered to have met the min-
11 imum educational requirements of this subparagraph
12 unless such individual—

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

14 “(ii) has earned the General Educational
15 Development (GED) credential or other State-
16 recognized equivalent (including by meeting rec-
17 ognized alternative standards for individuals
18 with disabilities); or

19 “(iii) is enrolled and making satisfactory
20 progress in classes leading to satisfaction of
21 clause (ii).

22 “(C) The requirements of subparagraph (B)
23 may be waived for an individual to the extent that
24 the State agency charged with the administration of

1 the State law deems such requirements to be unduly
2 burdensome in the case of such individual.”.

3 (b) INTERNAL REVENUE CODE OF 1986.—Para-
4 graph (8) of section 3304 of the Internal Revenue Code
5 of 1986 is amended to read as follows:

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

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to weeks beginning after Sep-
13 tember 30, 2011.

14 **SEC. 103. STATE FLEXIBILITY TO PROMOTE THE REEM-**
15 **PLOYMENT OF UNEMPLOYED WORKERS.**

16 (a) IN GENERAL.—Title III of the Social Security
17 Act (42 U.S.C. 501 and following) is amended by adding
18 at the end the following:

19 “DEMONSTRATION PROJECTS

20 “SEC. 305. (a) The Secretary of Labor may enter
21 into agreements, with States submitting an application de-
22 scribed in subsection (b), for the purpose of allowing such
23 States to conduct demonstration projects to test and
24 evaluate measures designed—

25 “(1) to expedite the reemployment of individ-
26 uals who establish initial eligibility for unemploy-

1 ment compensation under the State law of such
2 State; or

3 “(2) to improve the effectiveness of a State in
4 carrying out its State law with respect to reemploy-
5 ment.

6 “(b) The Governor of any State desiring to conduct
7 a demonstration project under this section shall submit
8 an application to the Secretary of Labor. Any such appli-
9 cation shall, at a minimum, include—

10 “(1) a general description of the proposed dem-
11 onstration project, including the authority (under
12 the laws of the State) for the measures to be tested,
13 as well as the period of time during which such dem-
14 onstration project would be conducted;

15 “(2) if a waiver under subsection (c) is re-
16 quested, the specific aspects of the project to which
17 the waiver would apply and the reasons why such
18 waiver is needed;

19 “(3) a description of the goals and the expected
20 programmatic outcomes of the demonstration
21 project, including how the project would contribute
22 to the objective described in subsection (a)(1), sub-
23 section (a)(2), or both;

24 “(4) assurances (accompanied by supporting
25 analysis) that the demonstration project would not

1 result in any increased net costs to the State's ac-
2 count in the Unemployment Trust Fund;

3 “(5) a description of the manner in which the
4 State—

5 “(A) will conduct an impact evaluation,
6 using a control or comparison group or other
7 valid methodology, of the demonstration project;
8 and

9 “(B) will determine the extent to which the
10 goals and outcomes described in paragraph (3)
11 were achieved; and

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

15 “(c) The Secretary of Labor may waive any of the
16 requirements of section 3304(a)(4) of the Internal Rev-
17 enue Code of 1986 or of paragraph (1) or (5) of section
18 303(a), to the extent and for the period the Secretary of
19 Labor considers necessary to enable the State to carry out
20 a demonstration project under this section.

21 “(d) A demonstration project under this section—

22 “(1) may be commenced any time after the date
23 of the enactment of this section; and

24 “(2) may not be approved for a period of time
25 greater than 3 years, subject to extension upon re-

1 quest of the Governor of the State involved for such
2 additional period as the Secretary of Labor may
3 agree to, except that in no event may a demonstra-
4 tion project under this section be conducted after
5 the end of the 5-year period beginning on the date
6 of the enactment of this section.

7 “(e) The Secretary of Labor shall, in the case of any
8 State for which an application is submitted under sub-
9 section (b)—

10 “(1) notify the State as to whether such appli-
11 cation has been approved or denied within 30 days
12 after receipt of a complete application; and

13 “(2) provide public notice of the decision within
14 10 days after providing notification to the State in
15 accordance with paragraph (1).

16 Public notice under paragraph (2) may be provided
17 through the Internet or other appropriate means. Any ap-
18 plication under this section that has not been denied with-
19 in such 30 days shall be deemed approved.

20 “(f) The Secretary of Labor may terminate a dem-
21 onstration project under this section if the Secretary
22 makes a final determination that the State has violated
23 the substantive terms or conditions of the project.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to weeks beginning after Sep-
3 tember 30, 2011.

4 **SEC. 104. REPEAL OF REGULATION REQUIRING HIGHER**
5 **STATE TAXES.**

6 (a) IN GENERAL.—Section 1202(b)(2) of the Social
7 Security Act is amended—

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

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

12 (3) by striking subparagraph (C).

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall take effect as of the date of enactment
15 of this Act.

16 **SEC. 105. RESTORE STATE FLEXIBILITY TO IMPROVE UN-**
17 **EMPLOYMENT PROGRAM SOLVENCY.**

18 (a) IN GENERAL.—Subsection (g) of section 4001 of
19 the Supplemental Appropriations Act, 2008 (Public Law
20 110–252; 26 U.S.C. 3304 note) is repealed.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect as of the date of enactment
23 of this Act.

1 **SEC. 106. UNIFORM DATA ELEMENTS FOR IMPROVED DATA**
2 **MATCHING.**

3 (a) IN GENERAL.—Title IX of the Social Security Act
4 is amended by adding the following:

5 “UNIFORM DATA ELEMENTS FOR IMPROVED DATA
6 MATCHING

7 “SEC. 911. (a) CODES AND IDENTIFIERS.—

8 “(1) The Secretary of Labor, in consultation
9 with an interagency work group through the Office
10 of Management and Budget, and includes State per-
11 spectives, shall, by rule, designate codes and identi-
12 fiers for any category of information required under
13 title III or this title.

14 “(2) The codes and identifiers designated under
15 paragraph (1) shall, to the extent practicable, be
16 nonproprietary and interoperable.

17 “(3) In designating codes and identifiers under
18 this subsection, the Secretary of Labor shall, to the
19 extent practicable, incorporate—

20 “(A) interoperable standards developed
21 and maintained by an international voluntary
22 consensus standards body, as defined by the Of-
23 fice of Management and Budget, such as the
24 International Organization for Standardization;

25 “(B) interoperable standards developed
26 and maintained by intergovernmental partner-

1 ships, such as the National Information Ex-
2 change Model; and

3 “(C) interoperable standards developed
4 and maintained by Federal entities with author-
5 ity over contracting and financial assistance,
6 such as the Federal Acquisition Regulations
7 Council.

8 “(b) DATA STANDARDS FOR REPORTING.—

9 “(1) The Secretary of Labor, in consultation
10 with an interagency work group through the Office
11 of Management and Budget and State government
12 perspectives, shall, by rule, designate data reporting
13 standards to govern the reporting required under
14 title III or this title.

15 “(2) The data reporting standards required by
16 paragraph (1) shall, to the extent practicable—

17 “(A) incorporate a widely accepted, non-
18 proprietary, searchable, computer-readable for-
19 mat;

20 “(B) be consistent with and implement ap-
21 plicable accounting principles; and

22 “(C) be capable of being continually up-
23 graded as necessary.

24 “(3) In designating reporting standards under
25 this subsection, the Secretary of Labor shall, to the

1 extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 of title IX of the Social Security Act is amended by adding
6 at the end the following:

“Sec. 911. Uniform data elements for improved data matching.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to weeks beginning after Sep-
9 tember 30, 2012.

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

11 (a) USE OF UNEMPLOYMENT COMPENSATION TO
12 REPAY OVERPAYMENTS.—Subparagraph (D) of section
13 3304(a)(4) of the Internal Revenue Code of 1986 is
14 amended by striking “may” and inserting “shall”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply to amounts paid after Sep-
17 tember 30, 2011.

18 **TITLE II—FORWARD FUNDING**
19 **OF REMAINING FEDERAL UN-**
20 **EMPLOYMENT COMPENSA-**
21 **TION FUNDS**

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

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

1 “Special Transfers in Fiscal Years 2011 and 2012

2 “(h)(1) The Secretary of the Treasury shall transfer
3 (as of the dates determined under paragraph (4)) from
4 the extended unemployment compensation account to the
5 account of each State in the Unemployment Trust Fund
6 the amount determined with respect to such State under
7 paragraph (2).

8 “(2)(A) The amount to be transferred to a State
9 under this subsection in any fiscal year is the amount de-
10 rived by multiplying the applicable total dollar amount for
11 such fiscal year by the applicable fraction for such State.

12 “(B) For purposes of subparagraph (A), the applica-
13 ble total dollar amount is—

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

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

16 “(C) For purposes of subparagraph (A), the applica-
17 ble fraction for a State is a fraction—

18 “(i) the numerator of which is the total amount
19 of extended compensation and emergency unemploy-
20 ment compensation paid out by such State for weeks
21 beginning in the 12-month period described in clause
22 (ii); and

23 “(ii) the denominator of which is the total
24 amount of extended compensation and emergency
25 unemployment compensation paid out by all States

1 for weeks beginning in the most recent 12-month pe-
2 riod for which that information is available for all
3 States as of May 1, 2011.

4 “(3)(A) Except as provided in subparagraph (B) and
5 only if a State passes a law after the enactment of the
6 JOBS Act of 2011, amounts transferred to a State ac-
7 count pursuant to this subsection shall be used only in
8 the payment of unemployment compensation, in accord-
9 ance with applicable provisions of Federal and State law
10 (including agreements and implementing regulations) as
11 in effect on May 1, 2011.

12 “(B) A State may, pursuant to specific legislation en-
13 acted by the legislative body of the State after the date
14 of the enactment of the JOBS Act of 2011, use money
15 transferred to the State account of such State under this
16 subsection for (i) the payment of unemployment com-
17 pensation, (ii) the repayment of advances made to such
18 State under section 1201 (including interest thereon), and
19 (iii) reemployment services designed to enhance the rapid
20 reemployment of unemployed workers (such as mandatory
21 workshops, claimant assessments, resume preparation and
22 job search assistance, wage subsidy programs, eligibility
23 reviews, labor market information, development of a work-
24 search plan, and training), if and only if—

1 “(I) the purposes and amounts are specified in
2 the law;

3 “(II) the money is withdrawn and expended, for
4 the purpose described in clause (i), (ii), or (iii) (as
5 the case may be), after the date of enactment of the
6 law; and

7 “(III) the use of the money is accounted for in
8 accordance with standards established by the Sec-
9 retary of Labor.

10 “(4) Transfers under this subsection shall—

11 “(A) to the extent that they relate to the
12 amount set forth in paragraph (2)(B)(i), be made
13 within 10 days after the date of enactment of this
14 subsection; and

15 “(B) to the extent that they relate to the
16 amount set forth in paragraph (2)(B)(ii), be made
17 after September 30, 2011, and on or before October
18 10, 2011.”.

19 (b) **RULE OF CONSTRUCTION.**—Nothing in section
20 903(b) of the Social Security Act shall be considered to
21 apply with respect to any transfer under section 903(h)
22 of such Act (as amended by this section).

23 (c) **REGULATIONS.**—The Secretary of Labor may
24 prescribe any operating instructions or regulations nec-

1 essary to carry out this section and the amendment made
2 by this section.

3 **SEC. 202. EMERGENCY UNEMPLOYMENT COMPENSATION**
4 **TRANSITION RULES.**

5 (a) REPEAL.—

6 (1) IN GENERAL.—Section 4003 of the Supple-
7 mental Appropriations Act, 2008 is repealed.

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall be effective with respect to
10 weeks ending after July 6, 2011.

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”
14 after 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 **SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION**
21 **RULES.**

22 (a) IN GENERAL.—Section 2005 of the Assistance for
23 Unemployed Workers and Struggling Families Act, as
24 contained in Public Law 111–5 (26 U.S.C. 3304 note),
25 is amended—

1 (1) in subsection (a), by striking “January 4,
2 2012” and inserting “July 6, 2011”;

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

6 (3) by striking subsection (c).

7 (b) **TERMINATION OF PROVISION RELATING TO TEM-**
8 **PORARY MODIFICATION OF EXTENDED BENEFIT INDICA-**
9 **TORS.**—Section 502 of the Tax Relief, Unemployment In-
10 surance Reauthorization, and Job Creation Act of 2010
11 (Public Law 111–312; 26 U.S.C. 3304 note) is amended
12 by striking “December 31, 2011” each place it appears
13 and inserting “June 30, 2011”.

14 **SEC. 204. EMERGENCY DESIGNATION.**

15 The budgetary effects of this Act are designated as
16 an emergency requirement and necessary to meet emer-
17 gency needs pursuant to section 4(g) of the Statutory Pay-
18 As-You-Go Act of 2010.

○