

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1745, AS REPORTED
OFFERED BY MR. CAMP OF MICHIGAN**

Strike all after the enacting clause and insert the
following:

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents of
6 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. 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.

1 **TITLE I—REFORMS OF UNEM-**
2 **LOYMENT 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.

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

23 “(i) Registration for employment services
24 within 14 days after making initial application
25 for regular compensation.

1 “(ii) any claimant who has been referred to
2 reemployment services shall participate in such
3 services.

4 “(B) For purposes of this paragraph, an indi-
5 vidual shall not be considered to have met the min-
6 imum educational requirements of this subparagraph
7 unless such individual—

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

9 “(ii) has earned the General Educational
10 Development (GED) credential or other State-
11 recognized equivalent (including by meeting rec-
12 ognized alternative standards for individuals
13 with disabilities); or

14 “(iii) is enrolled and making satisfactory
15 progress in classes leading to satisfaction of
16 clause (ii).

17 “(C) The requirements of subparagraph (B)
18 may be waived for an individual to the extent that
19 the State agency charged with the administration of
20 the State law deems such requirements to be unduly
21 burdensome in the case of such individual.”.

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

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

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to weeks beginning after the end
8 of the first session of the State legislature which begins
9 after the date of enactment of this Act.

10 **SEC. 103. STATE FLEXIBILITY TO PROMOTE THE REEM-**
11 **PLOYMENT OF UNEMPLOYED WORKERS.**

12 Title III of the Social Security Act (42 U.S.C. 501
13 and following) is amended by adding at the end the fol-
14 lowing:

15 “DEMONSTRATION PROJECTS

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

21 “(1) to expedite the reemployment of individ-
22 uals who establish initial eligibility for unemploy-
23 ment compensation under the State law of such
24 State; or

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

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

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

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

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

22 “(4) assurances (accompanied by supporting
23 analysis) that the demonstration project would not
24 result in any increased net costs to the State’s ac-
25 count in the Unemployment Trust Fund;

1 “(5) a description of the manner in which the
2 State—

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

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

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

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

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

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

22 “(2) may not be approved for a period of time
23 greater than 3 years, subject to extension upon re-
24 quest of the Governor of the State involved for such
25 additional period as the Secretary of Labor may

1 agree to, except that in no event may a demonstra-
2 tion project under this section be conducted after
3 the end of the 5-year period beginning on the date
4 of enactment of this section.

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

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

11 “(2) provide public notice of the decision within
12 10 days after providing notification to the State in
13 accordance with paragraph (1).

14 Public notice under paragraph (2) may be provided
15 through the Internet or other appropriate means. Any ap-
16 plication under this section that has not been denied with-
17 in such 30 days shall be deemed approved, and public no-
18 tice of any approval under this sentence shall be provided
19 within 10 days thereafter.

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 **SEC. 104. REPEAL OF REGULATION REQUIRING HIGHER**
2 **STATE TAXES.**

3 (a) **IN GENERAL.**—Section 1202(b)(2) of the Social
4 Security Act is amended—

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

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

9 (3) by striking subparagraph (C).

10 (b) **EFFECTIVE DATE.**—The amendments made by
11 subsection (a) shall take effect as of the date of enactment
12 of this Act.

13 **SEC. 105. RESTORE STATE FLEXIBILITY TO IMPROVE UN-**
14 **EMPLOYMENT PROGRAM SOLVENCY.**

15 (a) **IN GENERAL.**—Subsection (g) of section 4001 of
16 the Supplemental Appropriations Act, 2008 (Public Law
17 110–252; 26 U.S.C. 3304 note) is repealed.

18 (b) **EFFECTIVE DATE.**—The amendment made by
19 subsection (a) shall take effect as of the date of enactment
20 of this Act.

21 **SEC. 106. DATA STANDARDIZATION FOR IMPROVED DATA**
22 **MATCHING.**

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

1 contracting and financial assistance, such as the
2 Federal Acquisition Regulations Council.

3 “Data Standards for Reporting

4 “(b)(1) The Secretary of Labor, in consultation with
5 an interagency work group established by the Office of
6 Management and Budget, and considering State govern-
7 ment perspectives, shall, by rule, designate data reporting
8 standards to govern the reporting required under title III
9 or this title.

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

12 “(A) incorporate a widely-accepted, non-propri-
13 etary, searchable, computer-readable format;

14 “(B) be consistent with and implement applica-
15 ble accounting principles; and

16 “(C) be capable of being continually upgraded
17 as necessary.

18 “(3) In designating reporting standards under this
19 subsection, the Secretary of Labor shall, to the extent
20 practicable, incorporate existing nonproprietary standards,
21 such as the eXtensible Business Reporting Language.”.

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

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

2 (a) USE OF UNEMPLOYMENT COMPENSATION TO
3 REPAY OVERPAYMENTS.—Section 3304(a)(4)(D) of the
4 Internal Revenue Code of 1986 and section 303(g)(1) of
5 the Social Security Act are amended by striking “may”
6 and inserting “shall”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall apply to weeks beginning after the end
9 of the first session of the State legislature which begins
10 after the date of enactment of this Act.

11 **TITLE II—FORWARD FUNDING**
12 **OF REMAINING FEDERAL UN-**
13 **EMPLOYMENT COMPENSA-**
14 **TION FUNDS**

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

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

19 “Special Transfers in Fiscal Years 2011 and 2012

20 “(h)(1) The Secretary of the Treasury shall transfer
21 (as of the dates determined under paragraph (4)) from
22 the extended unemployment compensation account to the
23 account of each State in the Unemployment Trust Fund
24 the amount determined with respect to such State under
25 paragraph (2).

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

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

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

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

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

11 “(i) the numerator of which is the total amount
12 of extended compensation and emergency unemploy-
13 ment compensation paid out by such State for weeks
14 beginning in the 12-month period described in clause
15 (ii); and

16 “(ii) the denominator of which is the total
17 amount of extended compensation and emergency
18 unemployment compensation paid out by all States
19 for weeks beginning in the most recent 12-month pe-
20 riod for which that information is available for all
21 States as of May 1, 2011.

22 “(3)(A) Except as provided in subparagraph (B),
23 amounts transferred to a State account pursuant to this
24 subsection shall be used only in the payment of extended
25 compensation and emergency unemployment compensa-

1 tion, in accordance with applicable provisions of Federal
2 and State law (including agreements and implementing
3 regulations) as in effect on May 1, 2011.

4 “(B) A State may, pursuant to specific legislation en-
5 acted by the legislative body of the State after the date
6 of enactment of the JOBS Act of 2011, use money trans-
7 ferred to the State account of such State under this sub-
8 section for (i) the payment of unemployment compensa-
9 tion, (ii) the repayment of advances made to such State
10 under section 1201 (including interest thereon), and (iii)
11 reemployment services designed to enhance the rapid re-
12 employment of unemployed workers (such as mandatory
13 workshops, claimant assessments, resume preparation and
14 job search assistance, wage subsidy programs, eligibility
15 reviews, labor market information, development of a work-
16 search plan, and training), if and only if—

17 “(I) the purposes and amounts are specified in
18 the law;

19 “(II) the money is withdrawn and expended, for
20 the purpose described in clause (i), (ii), or (iii) (as
21 the case may be), after the date of enactment of the
22 law; and

23 “(III) the use of the money is accounted for in
24 accordance with standards established by the Sec-
25 retary of Labor.

1 “(4) Transfers under this subsection shall—

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

6 “(B) to the extent that they relate to the
7 amount set forth in paragraph (2)(B)(ii), be made
8 after September 30, 2011, and on or before October
9 10, 2011.”.

10 (b) **RULE OF CONSTRUCTION.**—Nothing in section
11 903(b) of the Social Security Act shall be considered to
12 apply with respect to any transfer under section 903(h)
13 of such Act (as amended by this section).

14 (c) **REGULATIONS.**—The Secretary of Labor may
15 prescribe any operating instructions or regulations nec-
16 essary to carry out this section and the amendment made
17 by this section.

18 **SEC. 202. EMERGENCY UNEMPLOYMENT COMPENSATION**

19 **TRANSITION RULES.**

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

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

24 (1) in subparagraph (F), by striking “and”
25 after the semicolon; and

1 (2) by adding after subparagraph (G) the fol-
2 lowing:

3 “(H) the amendment made by section 201
4 of the Jobs, Opportunity, Benefits, and Services
5 Act of 2011; and”.

6 (c) EFFECTIVE DATE OF REPEAL.—

7 (1) IN GENERAL.—The amendment made by
8 subsection (a) shall be effective with respect to
9 weeks ending after July 6, 2011.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 subsection shall be considered to affect the
12 reimbursability of any emergency unemployment
13 compensation paid for a week ending before July 7,
14 2011.

15 **SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION**

16 **RULES.**

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

21 (1) in subsection (a), by striking “January 4,
22 2012” and inserting “July 6, 2011”;

23 (2) in subsection (b), by striking “January 4,
24 2012” and inserting “the date of enactment of the
25 JOBS Act of 2011”; and

1 (3) by striking subsection (c).

2 (b) TERMINATION OF PROVISIONS RELATING TO
3 TEMPORARY MODIFICATION OF EXTENDED BENEFIT IN-
4 DICATORS.—Section 203 of the Federal-State Extended
5 Unemployment Compensation Act of 1970, as amended by
6 section 502 of the Tax Relief, Unemployment Insurance
7 Reauthorization, and Job Creation Act of 2010 (Public
8 Law 111-312; 124 Stat. 3307), is amended—

9 (1) in subsection (d) (in the next to last sen-
10 tence), by striking “December 31, 2011” and insert-
11 ing “June 30, 2011”; and

12 (2) in subsection (f)(2), by striking “December
13 31, 2011” and inserting “June 30, 2011”.

14 (c) SAVINGS PROVISION.—In the case of any State
15 law which, as of the date of enactment of this Act, has
16 been amended in conformance with the amendments made
17 by subsection (a) or (b) of section 502 of the Tax Relief,
18 Unemployment Insurance Reauthorization, and Job Cre-
19 ation Act of 2010 (Public Law 111-312; 124 Stat. 3307)
20 or section 2005(a) of the Assistance for Unemployed
21 Workers and Struggling Families Act (Public Law 111-
22 5; 26 U.S.C. 3304 note), the amendments made by this
23 section shall be disregarded for purposes of any provision
24 of such State law which provides for a State “off” indi-
25 cator or which otherwise provides for the termination of

1 an extended benefit period by reason of the cessation of
2 full Federal funding of sharable extended compensation or
3 sharable regular compensation or cessation of the optional
4 temporary modification of indicators under the extended
5 benefit program. For weeks of unemployment beginning
6 after June 29, 2011, and ending before January 4, 2012,
7 section 204(a)(1) of the Federal-State Extended Unem-
8 ployment Compensation Act of 1970 shall be disregarded.

9 **SEC. 204. EMERGENCY DESIGNATION.**

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

