

S 1549

American Jobs Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Sep 13, 2011

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Sponsor

Name: Sen. Reid, Harry [D-NV]

Party: Democratic • **State:** NV • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
112 S 2162	Related bill	May 8, 2012: Committee on Banking, Housing, and Urban Affairs. Hearings held. Hearings printed: S.Hrg. 112-677.
112 HR 4016	Related bill	Feb 14, 2012: Referred to the House Committee on Ways and Means.
112 HR 3502	Related bill	Jan 12, 2012: Referred to the Subcommittee on Insurance, Housing and Community Opportunity.
112 S 1917	Related bill	Dec 1, 2011: Motion to proceed to consideration of measure, under the order of 12/1/2011, not having achieved the required 60 votes in the affirmative, was rejected in Senate by Yea-Nay. 51 - 49. Record Vote Number: 219.
112 HR 2948	Related bill	Nov 18, 2011: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
112 S 1769	Related bill	Nov 3, 2011: Motion to proceed to consideration of measure under the order of 11/2/2011, not having achieved 60 votes in the affirmative, was rejected in Senate by Yea-Nay Vote. 51 - 49. Record Vote Number: 195. (consideration: CR S7113)
112 HR 12	Related bill	Oct 21, 2011: Referred to the Subcommittee on Insurance, Housing and Community Opportunity.
112 S 1660	Related bill	Oct 11, 2011: Motion by Senator Reid to reconsider the vote by which cloture was not invoked on the motion to proceed to the bill made in Senate. (consideration: CR S6383)
112 S 1597	Related bill	Sep 21, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
112 HR 2482	Related bill	Aug 15, 2011: Referred to the Subcommittee on Strategic Forces.
112 HR 2421	Related bill	Jul 12, 2011: Referred to the Subcommittee on Human Resources.
112 S 1333	Related bill	Jul 6, 2011: Read twice and referred to the Committee on Finance. (text of measure as introduced: CR S4398-4400)
112 S 652	Related bill	Mar 17, 2011: Read twice and referred to the Committee on Finance.

American Jobs Act of 2011 - Prohibits the use of funds made available by this Act for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in such project are produced in the United States (Buy American).

Waives such prohibition in cases where: (1) the prohibition would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities of a satisfactory quality; or (3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25%.

Requires all laborers and mechanics employed by contractors and subcontractors on federally-assisted projects to be paid wages at the locally prevailing rates (Davis-Bacon Act).

Amends the Internal Revenue Code to: (1) reduce employment and self-employment tax rates in 2012 to 3.1%; (2) allow employers a tax credit for payroll increases in the last quarter of 2011 and in 2012; (3) extend the 100% bonus depreciation allowance through 2012; (4) delay until 2014 the 3% withholding requirement on payments due to vendors who provide services to federal, state, and local governmental entities; and (5) increase the work opportunity tax credit for hiring unemployed veterans.

Amends the Small Business Investment Act of 1958 to increase from \$2 million to \$5 million the limit on the guarantee for contract surety bonds and on the liability for bonds obtained by fraud or misrepresentation.

Directs the Secretary of Education to allocate grants to states and, through them, subgrants to local educational agencies (LEAs) for the costs of retaining, recalling, rehiring, or hiring employees to provide early childhood, elementary, or secondary education and related services.

Requires LEAs and state-funded early learning programs to obligate such funding by September 30, 2013.

Prohibits the use of such grants to supplant state funding for education.

Directs the Attorney General to carry out a competitive grant program pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 for the hiring, rehiring, or retention of career law enforcement officers. Makes appropriations to the Community Oriented Policing Stabilization Fund to carry out such program and for transfer to a First Responder Stabilization Fund from which the Secretary of Homeland Security (DHS) shall make competitive grants for hiring additional firefighters pursuant to the Federal Fire Prevention Control Act of 1974.

Directs the Secretary of Education to allocate grants to states and, through them, subgrants to local educational agencies (LEAs) to modernize, renovate, or repair early learning or elementary or secondary education facilities.

Requires the Secretary to allocate grants directly to the 100 LEAs with the largest numbers of children aged 5-17 living in poverty.

Requires states to give subgrant priority to projects that comply with certain green building standards.

Prohibits the use of such grants for new construction, routine maintenance costs, or on facilities used for events for which the public is charged admission.

Allows private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40% to participate in the program on a limited basis.

Directs the Secretary to allocate grants to states to modernize, renovate, or repair existing facilities at community colleges.

Prohibits the use of such grants: (1) for routine maintenance costs, (2) on facilities used for events for which the public is charged admission, or (3) on facilities which are used for sectarian purposes.

Requires states, in providing assistance to community college projects, to consider the extent to which the project complies with certain green building standards.

Makes specified funds available to the Secretary of Transportation (DOT) for: (1) grants-in-aid for airport planning and development and noise compatibility planning projects under the airport improvement program (AIP); (2) Federal Aviation Administration (FAA) Next Generation air traffic control system advancements; (3) highway and bridge restoration, repair, and construction projects and for passenger and freight rail transportation and port infrastructure projects; (4) grants for high-speed rail projects, capital investment grants for intercity passenger rail service, and grants to reduce congestion on intercity rail passenger transportation; (5) capital grants to the National Railroad Passenger Corporation (Amtrak); (6) transit capital assistance grants; (7) capital projects for existing fixed guideway system modernization, replacement and repair of buses and bus-related equipment, and construction of bus-related facilities; and (8) discretionary capital investment grants for surface transportation infrastructure.

Authorizes the Secretary to establish standards under which contracts for construction projects contain requirements for the local hiring of individuals to perform construction work under such contracts.

Requires projects to comply with Buy American requirements.

Building and Upgrading Infrastructure for Long-Term Development Act - Establishes the American Infrastructure Financing Authority (AIFA) as a wholly-owned government corporation to make direct loans and loan guarantees to facilitate transportation, water, or energy infrastructure projects. Requires infrastructure projects assisted under this Act to have costs that are reasonably anticipated to equal or exceed \$100 million (\$25 million for rural infrastructure projects).

Sets forth special requirements for infrastructure projects in rural areas. Requires the AIFA Chief Lending Officer to establish: (1) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects, and (2) a Center for Excellence to provide such assistance to public sector borrowers for the same purpose.

Establishes an Office of Special Inspector General to audit and investigate the business activities of AIFA.

Makes private projects for which no public benefit is created ineligible for financial assistance. Sets forth terms for loans or loan guarantees for infrastructure projects.

Requires the Chief Executive Officer of AIFA to establish and collect fees sufficient to cover AIFA administrative costs.

Amends the Internal Revenue Code to extend through 2012 the exemption from the alternative minimum tax (AMT) for certain tax-exempt private activity bonds.

Appropriates funds for assistance to eligible entities including state and local governments, and qualified nonprofit

organizations, businesses or eligible consortia for the redevelopment of abandoned and foreclosed-upon properties and for stabilization of affected neighborhoods (Project Rebuild).

Allows the use of funds to: (1) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties; (2) purchase and rehabilitate such properties; (3) establish and operate land banks for them; (4) demolish blighted structures (except public housing); and (5) redevelop abandoned, foreclosed, demolished, or vacant properties.

Requires each state to receive at least \$20 million of formula funds, all of which shall be used with respect to low and moderate-income individuals and families.

Requires each state and local government grantee to establish procedures to create preferences for development of affordable rental housing.

Allows a grantee to use up to 10% to create jobs by establishing and operating a program to maintain eligible neighborhood properties.

Amends the National Telecommunications and Information Administration Organization Act to permit: (1) payments from the Spectrum Relocation Fund to reimburse certain federal entities for relocation or sharing costs incurred by planning for a potential or planned auction of spectrum frequencies or the reallocation of spectrum from federal use to exclusive nonfederal (currently, required) or shared federal and nonfederal use, and (2) federal entities to allow nonfederal entities access to frequency assignments with National Telecommunications and Information Administration (NTIA) approval. Revises the categories of relocation and sharing costs.

Authorizes the Federal Communications Commission (FCC), if it is consistent with the public interest in spectrum utilization for a licensee to voluntarily relinquish licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or to permit the designation of new spectrum for unlicensed use, to pay to such licensee a portion of any auction proceeds attributable to the licensee's relinquished spectrum usage rights. Permits the FCC, if it is in the public interest to modify the spectrum usage rights of any incumbent licensee to facilitate such new assignments and designations, to pay a portion of auction proceeds to incumbent licensees relocating to designated alternative frequencies or locations.

Requires the FCC to: (1) notify Congress of the methodology (considering the value of spectrum vacated in its current use and the timeliness of clearing) for calculating such payments to licensees at least three months before the relevant auction, and (2) assign at least the first 84 megahertz from certain specified bands through a competitive bidding process.

Extends permanently (currently, expires on September 30, 2012) the FCC's authority to grant a license or permit under applicable competitive bidding provisions.

Sets forth requirements concerning: (1) terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, and (2) domestic satellite communications services licenses.

Directs: (1) the Assistant Secretary of Commerce for Communications and Information and the FCC or the President to identify specified frequencies for competitive bidding or other reallocation or sharing, and (2) the FCC to auction specified frequency ranges.

Modifies competitive bidding system design requirements.

Amends the Communications Act of 1934 to authorize the FCC to establish and collect annual user fees for: (1) initial spectrum licenses or construction permits that are not granted through competitive bidding; and (2) renewals or modifications of initial licenses or other authorizations, whether or not granted through competitive bidding. Sets forth required minimum collection amounts for FY2012-FY2021.

Requires that all such proceeds be deposited in the general fund of the Treasury.

Directs the FCC to: (1) establish, by regulation, a fee-collection methodology and schedule; and (2) exempt broadcast television and public safety services licensees from such fees.

Increases the allocation of electromagnetic spectrum for public safety entities by: (1) directing the FCC to reallocate to such entities specified frequencies of the 700 MHz D block spectrum; and (2) amending the Communications Act of 1934 to increase public safety services allocation and reduce commercial use allocation by 10 megahertz within a specified range. Authorizes flexible use of narrowband spectrum, including for public safety broadband communications, subject to exceptions.

Establishes the Public Safety Broadband Corporation as a private, nonprofit corporation required to: (1) hold the single public safety wireless license (a license to be reallocated and granted by the FCC for an initial 10-year term renewable, upon application, for subsequent terms, each term a maximum of 15 years) for the 700 MHz D block and existing public safety broadband spectrums; and (2) build, deploy, and operate a nationwide public safety interoperable broadband network.

Supporting Unemployed Workers Act of 2011 - Amends the Supplemental Appropriations Act, 2008 (SSA, 2008) with respect to the state-established individual emergency unemployment compensation account (EUCA). Extends the final date for entering a federal-state agreement under the Emergency Unemployment Compensation (EUC) program through January 3, 2013. Postpones the termination of the program until June 8, 2013.

Amends the Assistance for Unemployed Workers and Struggling Families Act to extend until January 4, 2013, requirements that federal payments to states cover 100% of EUC.

Amends the Unemployment Compensation Extension Act of 2008 to exempt weeks of unemployment between enactment of this Act and June 9, 2013, from the prohibition in the Federal-State Extended Unemployment Compensation Act of 1970 (FSEUCA of 1970) against federal matching payments to a state for the first week in an individual's eligibility period for which extended compensation or sharable regular compensation is paid if the state law provides for payment of regular compensation to an individual for his or her first week of otherwise compensable unemployment. (Thus allows temporary federal matching for the first week of extended benefits for states with no waiting period.)

Amends the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 with respect to a state's authority to apply certain requirements of the FSEUCA of 1970, with specified substitutions, for determining an extended unemployment compensation period.

Requires the state's "on" and "off" indicators to be based on its rate of insured unemployment and rate of total unemployment for the period beginning on the enactment of the FSEUCA of 1970 (or, if later, the date established pursuant to state law) and ending on or before December 31, 2012 (currently, December 31, 2011).

Amends the SSA, 2008 to include in a federal-state agreement under the EUC program a requirement that a state

provide reemployment services and reemployment eligibility assessment activities to certain recipients of EUC.

Conditions an individual's continuing eligibility for EUC for any week on whether such individual has been referred to such services or activities and participated, or has completed such participation, unless there is justifiable cause for failure to do so.

Authorizes the federal-state agreement to require that a state agency administering EUC establish a self-employment assistance program to provide for the payment of EUC for up to 26 weeks as self-employment assistance allowances to individuals who meet specified eligibility criteria. Allows a participant in a self-employment assistance program to opt to discontinue such participation.

Requires any state that establishes a Bridge to Work program under the Supporting Unemployment Workers Act of 2011 to deduct from an individual's EUC account necessary sums to pay wages for such individual.

Amends the Railroad Unemployment Insurance Act, as amended by the American Recovery and Reinvestment Act of 2009, and as amended by the Worker, Homeownership, and Business Assistance Act of 2009, to extend through December 31, 2012, the temporary increase in extended unemployment benefits for employees with 10 or more years of service as well as for those with less than 10.

Establishes the Reemployment NOW program to facilitate the reemployment of individuals receiving emergency unemployment compensation (EUC claimants). Requires a state to submit for approval by the Secretary of Labor a state plan meeting certain minimum requirements in order to be eligible for an allotment of federal funds under the program.

Authorizes a state to use its allotted funds to establish a Bridge to Work program to provide EUC claimants with short-term work experience placements with eligible employers to increase opportunities for such individuals to move to permanent employment.

Authorizes a state to use its allotted funds to provide a wage insurance program to pay, for up to two years, an EUC claimant who obtains reemployment up to 50% of the difference between the wages received by the worker at the time of work separation and the wages the worker received for reemployment.

Authorizes a state to its allotted funds to provide: (1) a program of enhanced reemployment services to EUC claimants, including unemployed individuals who have exhausted their EUC rights; (2) for the administrative costs associated with starting up certain self-employment assistance programs; and (3) for additional innovative programs designed to facilitate the reemployment of EUC claimants.

Amends the Internal Revenue Code to set forth requirements relating to short-time compensation programs to allow employers to reduce the workweek of their employees in lieu of layoffs.

Provides for federal financing of state short-time compensation programs. Requires the Secretary of Labor to: (1) award grants to states that enact such programs; (2) develop model legislative language for use by states in developing, enacting, and implementing such programs; and (3) report to Congress and the President on the implementation of such programs.

Allows an increased work opportunity tax credit for long-term unemployed individuals (individuals who are unemployed and receiving unemployment compensation for six months or more).

Pathways Back to Work Act of 2011 - Establishes the Pathways Back to Work Fund, with an initial appropriation of \$5

billion.

Requires the Secretary of Labor to make certain Fund allocations to states with approved plans, qualifying outlying areas (U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau), and Native American program grantees to provide: (1) subsidized employment to unemployed, low-income adults; and (2) summer and year-round employment opportunities to low-income youth.

Requires the Secretary to award competitive grants to local entities for work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to provide unemployed, low-income adults and low-income youths with skills that will lead to employment.

Subjects activities funded under this Act to federal labor standards and nondiscrimination protections.

Fair Employment Opportunity Act of 2011 - Makes it an unlawful practice for certain employers to: (1) publish an advertisement or announcement for a job with provisions indicating that an individual's status as unemployed disqualifies the individual for employment, or that the employer will not consider or hire an individual for employment based on such status; (2) fail or refuse to consider or hire an individual because of such status; or (3) direct or request that an employment agency take an individual's status into account to disqualify an applicant for consideration for employment, or when screening or referring employees.

Makes it an unlawful practice for an employment agency to commit similar acts, including to: (1) screen, or fail or refuse to consider or refer, an individual for employment because of the individual's unemployed status; or (2) limit, segregate, or classify any individual in any manner that would limit access to job information, or consideration, screening, or referral for jobs.

Makes it unlawful for any employer or employment agency to: (1) interfere with, restrain, or deny the exercise of any right provided under this Act; or (2) fail or refuse to hire, discharge, or otherwise discriminate against an employee because such individual opposed any practice made unlawful by this Act or asserted any right under it.

Prescribes enforcement authorities with respect to violations of this Act.

Authorizes an individual, or any person acting on the individual's behalf, who files a claim in the appropriate U.S. court alleging violation of the prohibitions of this Act to receive: (1) an order enjoining the unlawful employment practice, (2) the reimbursement of costs expended as a result of such practice, (3) liquidated damages of at least \$1,000 for each day of the violation, and (4) reasonable attorney's fees (including expert fees) and court costs.

Amends the Internal Revenue Code to: (1) limit tax deductions and other tax exclusions for taxpayers whose adjusted gross income exceeds \$200,000 (\$250,000 for married taxpayers filing a joint return), (2) treat income received by a partner from an investment services partnership interest as ordinary income for income tax purposes, and (3) treat all general aviation aircraft (including corporate jets) as seven-year property for depreciation purposes.

Repeals, after 2012, certain tax expenditures for the oil and gas industry, including: (1) the tax deduction for intangible drilling and development costs for oil and gas wells; (2) the tax deduction for tertiary injectant expenditures; (3) percentage depletion for oil and gas wells; (4) the tax deduction for income from activities relating to oil, natural gas, or any primary product thereof; (5) the exemption from limitations on passive activity losses; and (6) the tax credits for enhanced oil recovery and for producing oil and gas from marginal wells. Increases the amortization period for geological and geophysical expenditures.

Denies the foreign tax credit for amounts paid or accrued by a dual capacity taxpayer to a foreign country or U.S. possession. Defines "dual capacity taxpayer" as a person who is subject to a levy of a foreign country or U.S. possession and who receives a specific economic benefit from such country or possession. Sets forth a special rule for the treatment of taxes paid on foreign oil and gas income for purposes of the foreign tax credit.

Amends the Budget Control Act of 2011 to: (1) increase the deficit reduction target of the Joint Select Committee on Deficit Reduction from \$1.5 trillion to \$1.95 trillion, and (2) provide that the revenue enhancement provisions of this Act will not take effect if a Committee bill achieving greater than \$1.65 trillion in deficit reduction is enacted by January 15, 2012.

Amends the Budget Control Act of 2011 to increase the Joint Select Committee on Deficit Reduction's targeted deficit reduction goal from \$1.5 trillion to \$1.95 trillion or more over FY2012-FY2021.

States that if a joint committee bill achieving an amount greater than \$1.65 trillion in deficit reduction (as provided for in the Act) is enacted by January 15, 2012, then the amendments to the Internal Revenue Code made by subtitles A through E of title IV of this Act, shall not be in effect for any taxable year.

Actions Timeline

- **Sep 14, 2011:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 165.
- **Sep 13, 2011:** Introduced in Senate
- **Sep 13, 2011:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time. (text of measure as introduced: CR S5538-5580)

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