

HR 3487

Job Creation Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Nov 18, 2011

Current Status: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

Latest Action: Referred to the Subcommittee on Health, Employment, Labor, and Pensions. (Mar 29, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/3487>

Sponsor

Name: Rep. Buchanan, Vern [R-FL-13]

Party: Republican • **State:** FL • **Chamber:** House

Cosponsors (14 total)

| Cosponsor | Party / State | Role | Date Joined |
|--------------------------------------|---------------|------|--------------|
| Rep. Jenkins, Lynn [R-KS-2] | R · KS | | Mar 29, 2012 |
| Rep. Bono Mack, Mary [R-CA-45] | R · CA | | May 8, 2012 |
| Rep. Miller, Jeff [R-FL-1] | R · FL | | May 8, 2012 |
| Rep. Pearce, Stevan [R-NM-2] | R · NM | | May 8, 2012 |
| Rep. Tipton, Scott R. [R-CO-3] | R · CO | | May 8, 2012 |
| Rep. Walberg, Tim [R-MI-7] | R · MI | | May 8, 2012 |
| Rep. Berg, Rick [R-ND-At Large] | R · ND | | May 9, 2012 |
| Rep. Mack, Connie [R-FL-14] | R · FL | | May 9, 2012 |
| Rep. Noem, Kristi L. [R-SD-At Large] | R · SD | | May 9, 2012 |
| Rep. Rogers, Mike J. [R-MI-8] | R · MI | | May 10, 2012 |
| Rep. Gingrey, Phil [R-GA-11] | R · GA | | Aug 1, 2012 |
| Rep. Ross, Dennis A. [R-FL-12] | R · FL | | Aug 1, 2012 |
| Rep. Southerland, Steve II [R-FL-2] | R · FL | | Aug 1, 2012 |
| Rep. Westmoreland, Lynn A. [R-GA-3] | R · GA | | Aug 1, 2012 |

Committee Activity

| Committee | Chamber | Activity | Date |
|-------------------------------------------|---------|-------------|--------------|
| Education and Workforce Committee | House | Referred to | Mar 29, 2012 |
| Energy and Commerce Committee | House | Referred to | Nov 18, 2011 |
| Judiciary Committee | House | Referred to | Dec 2, 2011 |
| Natural Resources Committee | House | Referred to | Nov 29, 2011 |
| Oversight and Government Reform Committee | House | Referred To | Nov 18, 2011 |
| Science, Space, and Technology Committee | House | Referred To | Nov 18, 2011 |
| Small Business Committee | House | Referred To | Nov 18, 2011 |
| Ways and Means Committee | House | Referred To | Nov 18, 2011 |

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 112 HR 6048 | Related bill | Jun 28, 2012: Referred to the House Committee on Ways and Means. |
| 112 HR 3407 | Related bill | Feb 9, 2012: Placed on the Union Calendar, Calendar No. 273. |
| 112 HR 3029 | Related bill | Dec 19, 2011: Placed on the Union Calendar, Calendar No. 225. |
| 112 HR 527 | Related bill | Dec 5, 2011: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. |
| 112 S 1936 | Related bill | Dec 1, 2011: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. |
| 112 HR 3494 | Related bill | Nov 29, 2011: Referred to the Subcommittee on National Parks, Forests and Public Lands. |
| 112 S 1611 | Related bill | Sep 22, 2011: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. |
| 112 S 1476 | Related bill | Aug 2, 2011: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. |
| 112 HR 2114 | Related bill | Jun 20, 2011: Referred to the Subcommittee on Federal Workforce, U.S. Postal Service, and Labor Policy . |
| 112 HR 1744 | Related bill | May 11, 2011: Referred to the Subcommittee on Health. |
| 112 HR 972 | Related bill | Mar 21, 2011: Referred to the Subcommittee on Health, Employment, Labor, and Pensions. |
| 112 HR 49 | Related bill | Feb 10, 2011: Referred to the Subcommittee on Energy and Environment. |
| 112 S 217 | Related bill | Jan 27, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. |

Job Creation Act of 2011 - **Title I: Trade** - Expresses the sense of Congress that: (1) Congress should continue to work with the Administration to expand trading markets; (2) the President should pursue quick entry into force of the United States-Colombia Trade Promotion Agreement, the United States-Panama Trade Promotion Agreement, and the United States-Korea Free Trade Agreement; and (3) the future growth of the U.S. economy requires this pro-growth strategy.

Expresses the sense of Congress that China's intellectual property rights violations are a problem for the U.S. economy.

Title II: Tax Reform - Expresses the sense of Congress that reforming the federal tax code will benefit taxpayers and the U.S. economy.

Title III: Balanced Budget Amendment - Expresses the sense of Congress that it needs to pass a balanced budget amendment to the U.S. Constitution and send it to the states for ratification.

Title IV: Energy - American Energy Independence and Price Reduction Act - Directs the Secretary of the Interior to implement a competitive leasing program for the exploration, development, and production of the oil and gas resources on the Coastal Plain of Alaska.

Amends the Alaska National Interest Lands Conservation Act of 1980 to repeal the prohibition against leasing or other development leading to production of oil and gas from the Arctic National Wildlife Refuge (ANWR).

Deems any oil and gas leasing programs and activities authorized by this Act to be in compliance with ANWR purposes.

Authorizes the Secretary to designate up to 45,000 acres of the Coastal Plain as a Special Area, after consultation with the state of Alaska, the city of Kaktovik, and the North Slope Borough.

Permits directional drilling in the Special Area.

Prescribes procedures governing Coastal Plain lease sales, as well as terms and conditions, including: (1) environmental protection; (2) federal and state distribution of revenues; (3) rights-of-way; and (4) local government impact aid and community service assistance.

Sets forth: (1) a "no significant adverse effect" standard to govern Coastal Plain activities; and (2) guidelines for expedited judicial review of complaints.

Establishes the ANWR Alternative Energy Trust Fund.

Title V: Reduction In Federal Workforce - Requires the Office of Management and Budget (OMB) to take appropriate measures to ensure that: (1) the total number of federal employees, beginning in FY2015, does not exceed 90% of the total number of such employees as of September 30, 2011; (2) until the end of FY 2014, agencies do not appoint more than one employee for every three employees retiring or otherwise separating from government service; and (3) there is no increase in the procurement of service contracts due to this Act unless a cost comparison demonstrates that such contracts would be financially advantageous to the federal government. Requires OMB to continuously monitor all agencies and make a determination as to whether the total number of federal employees exceeds the limitation imposed by this Act.

Prohibits a federal agency from filling any vacancy unless OMB provides written notice to the President and Congress

that the number of federal employees does not exceed the limitation established by this Act.

Allows the President to waive the workforce limitations imposed by this Act if the President determines that the existence of a state of war or other national security concern or the existence of an extraordinary emergency threatening life, health, public safety, property, or the environment so requires. Allows the President additional discretion to waive such workforce limitations if the President determines that the efficiency of a federal agency or the performance of its critical mission so requires.

Title VI: Repeal of Employer Health Insurance Mandate - Amends the Internal Revenue Code to repeal provisions added by the Patient Protection and Affordable Care Act requiring certain employers who have a workforce of 50 or more full-time employees to provide health insurance coverage for their employees.

Title VII: Secret Ballot Protection Act - Secret Ballot Protection Act - Amends the National Labor Relations Act to make it an unfair labor practice for: (1) an employer to recognize or bargain collectively with a labor organization that has not been selected by a majority of the employees in a unit appropriate for such purposes in a secret ballot election conducted by the National Labor Relations Board (NLRB), or (2) a labor organization to cause or attempt to cause an employer to recognize or bargain collectively with a representative that has not been selected in such manner.

Title VIII: Federal Rules of Civil Procedure Improvements - Amends Rule 11 of the Federal Rules of Civil Procedure (sanctions for filing a frivolous lawsuit) to: (1) require courts to award reasonable expenses, including attorney's fees, to a prevailing party in a Rule 11 proceeding (currently discretionary); and (2) eliminate the 21-day period allowed for withdrawing or correcting a claim deemed frivolous.

Requires state courts to apply Rule 11 to actions in state courts that substantially affect interstate commerce.

Limits venue for personal injury claims filed in state or federal courts to the county or district: (1) in which the plaintiff or defendant resides, (2) where the plaintiff resided at the time of the alleged injury, or (3) the district in which the defendant's principal place of business is located.

Imposes additional sanctions: (1) on attorneys who are found to violate Rule 11 three or more times, and (2) for willful and intentional destruction of documents relevant to a pending action in federal court. Establishes a rebuttable presumption of a Rule 11 violation if a plaintiff attempts to litigate a claim that has already been litigated and lost on the merits.

Prohibits a court in a Rule 11 proceeding from ordering the nondisclosure of the record of the proceeding unless the court makes a specific finding of fact that justifies such an order.

Title IX: Regulatory Flexibility Improvements Act of 2011 - Regulatory Flexibility Improvements Act of 2011 - Amends the Regulatory Flexibility Act of 1980 (RFA) to revise the definition of "rule" under such Act to exclude a rule of particular (and not general) applicability relating to rates, wages, and other financial indicators and to define "economic impact" with respect to a proposed or final rule as any direct economic effect on small entities from such rule and any indirect economic effect on small entities that is reasonably foreseeable and that results from such rule. Includes tribal organizations within the definition of "small governmental jurisdictions" for purposes of such Act.

Requires initial and final regulatory flexibility analyses to: (1) describe alternatives to a proposed rule that minimize any adverse significant economic impact or maximize the beneficial significant economic impact on small entities, and (2) include revisions or amendments to a land management plan developed by the Secretary of Agriculture or the Secretary

of the Interior under specified Acts.

Expands elements of initial and final regulatory flexibility analyses under RFA to include estimates and descriptions of the cumulative economic impact of a proposed rule on a small entity.

Repeals provisions allowing a waiver or delay of the completion of an initial regulatory flexibility analysis. Requires the Chief Counsel for Advocacy of the Small Business Administration (SBA) to issue rules governing federal agency compliance with RFA requirements. Authorizes the Chief Counsel to modify or amend such rules, to intervene in agency adjudication relating to such rules, and to inform an agency of the impact of its rulemaking on small entities.

Revises requirements for agency notification of the SBA Chief Counsel for Advocacy prior to the publication of any proposed rule. Requires agencies to provide the Chief Counsel with: (1) all materials prepared or utilized in making the proposed rule, and (2) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities.

Requires each agency to publish in the Federal Register a plan for the periodic review of existing and new rules that have a significant impact on a substantial number of small entities to determine whether such rules should be continued, changed, or rescinded.

Provides for judicial review of an agency final rule for compliance with RFA requirements after the publication of such rule. Grants federal courts of appeal jurisdiction to review all final rules issued in accordance with RFA.

Actions Timeline

- **Mar 29, 2012:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
- **Dec 2, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Nov 29, 2011:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Nov 18, 2011:** Introduced in House
- **Nov 18, 2011:** Referred to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Energy and Commerce, Science, Space, and Technology, Education and the Workforce, Small Business, and Oversight and Government Reform, 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.
- **Nov 18, 2011:** Referred to the Subcommittee on Health.