H.R. ___The Jobs For America Act

The Jobs for America Act consists of the text of 15 House-passed bills that will make various changes to federal law to improve the conditions necessary for economic growth and job creation.

Division I – Ways and Means Committee

Title I: H.R. 2575, the Save American Workers Act, authored by Representative Todd Young, that Repeals Obamacare's 30-hour definition of full-time employment.

- Repeals the 30-hours-per-week definition of full-time employee and the 120-hours-per-month definition of full-time equivalents, and replaces those thresholds with 40-hours-per-week for full-time employees and 174-hours-per-month for full-time equivalents.

Title II: H.R. 3474, the Hire More Heroes Act, authored by Representative Rodney Davis, which incentivizes businesses to hire veterans by excluding them from Obamacare's employer mandate threshold.

- Amends the Internal Revenue Code of 1986 to permit an employer, when determining whether it must provide health care coverage to its employees under the Patient Protection and Affordable Care Act (PPACA), to exclude employees who have coverage under a healthcare program administered by the Department of Defense (DOD). This includes TRICARE or coverage provided by the Department of Veterans Affairs (VA).

Title III: H.R. 4438, the American Research and Competitiveness Act, authored by Representative Kevin Brady, which makes the R&D Tax Credit permanent, paving the way for increased innovation and investment in the U.S.

- Makes permanent and increases to 20 percent the alternative simplified method for calculating the research credit.
- Provides a permanent 20 percent credit for basic research and energy research.
- Makes the base period for calculating the credit a three-year rolling average.
- Provides a 10 percent rate if a taxpayer has no qualified research expenses in any of the three preceding taxable years.
- Retroactively takes effect after December 31, 2013.

Title IV: H.R. 4457, the America's Small Business Tax Relief Act, authored by Representative Pat Tiberi, which makes section 179 expensing permanent ensuring that our small businesses have the certainty they need to grow their businesses and create jobs.

- Makes permanent the maximum expensing allowance at $500,000 and the phaseout threshold at $2 million.
- Beginning in 2015, both amounts will be indexed for inflation.

- Permanently expands the property eligible for the allowance to include qualified computer software; qualified leasehold improvements for commercial, retail, and restaurant property; and air conditioning and heating units.
- Retroactively takes effect after December 31, 2013.

Title V: H.R. 4453, the S Corporation Permanent Tax Relief Act, authored by Representative Dave Reichert, that provides the necessary flexibility for S corporations to access capital and make new investments.

- Amends the Internal Revenue Code to reduce from 10 to 5 years the period during which the built-in gains of an S corporation are subject to tax and to make such reduction permanent.
- Provides that the pre-2014 basis-adjustment rule would be made permanent—an S corporation shareholder would reduce the basis in his S corporation stock by his pro rata share of the adjusted basis of the property contributed by the S corporation to a charity.
- Retroactively takes effect after December 31, 2013.

Title VI H.R. 4718, authored by Representative Pat Tiberi, making bonus depreciation permanent in order to lower the cost of capital for businesses.

- Makes permanent the 50-percent additional first-year depreciation deduction for qualified property.
- Expands the definition of "qualified property" to include qualified retail improvement property.
- Makes permanent and modifies the election to increase the AMT credit limitation in lieu of bonus depreciation.
- 50-percent bonus depreciation rate is effective for property placed in service after December 31, 2013.

Title VII: Repeal of the Medical Device Tax, authored by Representative Erik Paulsen, repeals the medical device tax. (Passed by the House as part of H.J.Res. 59.)

- Amends the Internal Revenue Code to repeal the excise tax on medical device manufacturers and importers.
- Retroactively takes effect for sales after December 31, 2012.

Division II -- Financial Services

Title I: H.R. 1105, the Small Business Capital Access and Job Preservation Act, authored by Representative Robert Hurt, scales back costly Dodd-Frank Act regulations so that more capital can be invested in small- and medium-sized businesses.

- Provides an exemption from SEC registration for advisers to private equity funds that are not leveraged and that do not have outstanding a principal amount in excess of twice their funded capital commitments.

- Maintains the SEC's authority under the Dodd-Frank Act to require all private fund advisers to keep records and make them available to the appropriate regulators.

Title II: H.R. 2274, the Small Business Mergers, Acquisitions, Sales, and Brokerage Act, authored by Representative Bill Huizenga, exempts certain brokers from onerous regulations when they facilitate the purchase or sale of businesses so that more capital can be used to innovate and create jobs.

- Amends the Section 15(b) of the *Securities Exchange Act of 1934* to exempt certain mergers and acquisitions (M&A) brokers from registration with the Securities Exchange Commission (SEC). The SEC generally requires registration so it can monitor the activities of brokers who sell securities to the public. Most M&A brokers, however, do not. Accordingly, the new exemption is not available to an M&A broker if the broker: 1) directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transitions; or 2) engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the SEC. This bill would apply to M&A deals involving companies with annual earnings of less than $25 million and annual gross revenue of less than $250 million.

Division III -- Oversight

Subdivision A: H.R. 899, the Unfunded Mandates Information and Transparency Act, authored by Representative Virginia Foxx, that equips Congress and the public with tools to determine the true costs of regulations.

- Provides for a Committee chairman or ranking member to request that the Congressional Budget Office (CBO) perform an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on state, local, or tribal governments.
- Amends the definition of "direct costs" to codify current CBO practice and ensures that federal agencies account for the costs of federal mandates, such as forgone business profits, costs passed onto consumers and other entities, and behavioral changes.
- Requires independent regulatory agencies to comply with UMRA with the exception of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee.
- Transfers responsibility for ensuring agency compliance with UMRA from the Director of the Office of Management and Budget (OMB) to the Administrator of Office of Information and Regulatory Affairs (OIRA).
- Subjects to a point of order a private sector legislative mandate exceeding the UMRA threshold ($146 million in 2012).
- Clarifies that agencies must conduct UMRA analyses unless a law "expressly" prohibits them from doing so.
- Closes an existing loophole allowing agencies to forego UMRA analyses of a final rule that is not preceded by a notice of proposed rulemaking.

- The UMRA requirement that state, local, and tribal governments have input in development of regulatory mandates is extended to the private sector.
- Gives OIRA oversight responsibility for determining whether agencies have drafted their regulations in accordance with the regulatory principles adopted in this bill, and whether cost-benefit analyses are performed adequately.
- Requires OIRA include in its annual report to Congress an appendix detailing agency compliance with UMRA's requirement for consultation with state, local, and tribal governments and the private sector.
- Allows for Committee chairman or ranking member to request a retrospective analysis of an existing federal regulation.
- Extends judicial review to an agency's selection of the least costly/least burdensome regulatory alternative, and permits a court to stay, enjoin, or invalidate a rule if an agency fails to complete the required UMRA analysis or to adhere to the regulatory principles.

Subdivision B: H.R. 2804, the Achieving Less Excess in Regulation and Requiring Transparency (ALERRT) Act, authored by Representative George Holding, Chairman Bob Goodlatte, Representative Doug Collins, and Representative Spencer Bachus, which promotes jobs, better wages, and economic growth through regulatory reform.

- Title I requires federal agencies to submit monthly updates to the Office of Information and Regulatory Affairs (OIRA) on rules the agencies expect to propose or finalize in the following year. Updates must include a summary of the rule, its objective, and its legal basis. For rules that have been noticed, the update must include a schedule for completion, as well as cost and economic impact information. This title requires OIRA to publish two annual assessments of rulemaking. One, published in the Federal Register, must provide information on the regulatory activity in the previous year, including the number of rules issued, deregulatory action taken, and information from the monthly agency updates. The second assessment, published online, must include information on the regulatory review process in the past year, including cost-benefit analyses and the number of OIRA reviews.
- Title II modifies certain parts of the Administrative Procedure Act (APA) to reform the process by which federal agencies analyze and formulate new regulations and guidance documents. In part, Title II codifies key rulemaking principles found in a variety of Executive Orders issued by Presidents for more than thirty years, and makes them judicially enforceable. These include conducting regulatory impact analyses and cost-benefit analyses, and coordinating rulemaking. Title II improves the process for notice-and comment rulemaking by requiring public input at each stage of the process. It also generally requires agencies to issue the least costly alternative rule. Title II brings major guidance within the regulatory review process, thereby subjecting it to more intensive pre-issuance scrutiny. It also reforms the process of issuing interim-final rules—which may currently be promulgated without public input—to prevent abuse of that type of rulemaking. Title II requires "hybrid" rulemaking for high-impact rules (rules imposing $1 billion or more in annual costs), combining hearing-based proceedings previously used in formal rulemaking with informal notice-and-comment procedures to best vet issues raised by these highest-cost rules.

- Title III amends the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA) to ensure agencies adequately analyze proposed rules for their potential impacts on small businesses. It eliminates loopholes that agencies have used to avoid complying with the law. Specifically, Title III defines and expands which economic effects are to be examined by agencies, imposes greater detail in performing the analyses, clarifies language concerning applicability of the RFA to the Internal Revenue Service (IRS), subjects all agencies to the procedures in § 609 of the [Small Business Regulatory Enforcement Fairness Act (SBREFA)] panel process, eliminates barriers to judicial review of RFA compliance for agencies that have a statutory exhaustion requirement after a final rule is published before the rule can be challenged in court, mandates that the Chief Counsel promulgate RFA compliance regulations applicable to all federal agencies, and transfers the limited function on determining size standards of small businesses for purposes other than the Small Business Act and the Small Business Investment Act of 1958 to the Chief Counsel for Advocacy.
- Title IV addresses "sue-and-settle litigation" by reforming procedures for consent decrees and settlement agreements entered into by federal agencies that require them to take regulatory action. Specifically, the bill requires (1) heightened transparency to the public and regulated entities of "notices of intent to sue, complaints, consent decrees and settlement agreements, and attorneys' fee agreements in lawsuits attempting to force regulatory action"; (2) increased opportunities for "regulated entities, State, local and Tribal co-regulators, and the public . . . to participate in the shaping or judicial evaluation of sue-and-settle consent decrees and settlement agreements, whether through notice-and-comment procedures or rights to participate in litigation as intervenors or amici curiae"; (3) "more complete records and tools [for courts] to review proposed sue-and-settle consent decrees and settlement agreements"; and (4) codification of key restrictions from the Department of Justice's 1986 "Meese Memo" to "constrain the authority of [DOJ] and defendant agencies to agree to sue-and-settle consent decrees and settlements that present separation-of-powers concerns."

Division IV -- Judiciary

Title I: H.R. 367, Regulations From the Executive in Need of Scrutiny (REINS) Act, authored by Representative Todd Young, which ensures that Congress votes on all new major rules before they can be enforced.

- Requires passage of a joint resolution of approval for a major rule before it can take effect.
- Provides for expedited consideration of joint resolutions of approval in the House and Senate.
- Maintains the Congressional disapproval process for non-major rules.

Title II: H.R. 3086, the Permanent Internet Tax Freedom Act, authored by Chairman Bob Goodlatte, protects internet access for all Americans and fosters growth in the digital economy.

- Permanently extends the Internet Tax Freedom Act (ITFA), which generally prohibits states and local governments from taxing Internet access or placing multiple or discriminatory taxes on Internet commerce.

Division V – Natural Resources

Subdivision A: H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act, authored by Chairman Doc Hastings, that will put Americans back to work by promoting responsible timber production.

- Requires the Forest Service to produce at least half of the sustainable annual yield of timber each year and share 25 percent of receipts with the counties.
- Protects the environment by requiring projects to complete National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) consultations.
- Directs the Secretary of Agriculture to implement hazardous fuels reduction and forest health projects on at-risk lands and high-risk areas designated by the Governor of a state. Also allows states to propose forest health projects to the Forest Service or Bureau of Land Management for implementation.
- Establishes a Board of Trustees to manage a majority of the Bureau of Land Management in Western Oregon (O&C) Lands under the Oregon Forest Practice Act and distribute revenues from timber harvest to the O&C Counties. The remaining O&C Lands would be transferred to the Forest Service and managed under the Northwest Forest Plan.
- Creates the "Community Forest Demonstration Areas" program which would allow a total of two million acres nationwide to be managed by an Advisory Committee appointed by the Governor of the state.
- Allows a short-term extension of SRS payments to provide funding to counties as the Forest Service (or counties under title III & IV) transitions back to active management.

Subdivision B: H.R. 761, the National Strategic and Critical Minerals Production Act, authored by Representative Mark Amodei, which allows the U.S. to develop resources that are critical to our economic competiveness.

- Defines "strategic and critical minerals" as those that are necessary for national defense and national security requirements; for the nation's energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; to support domestic manufacturing, agriculture, housing, telecommunications, healthcare and transportation infrastructure; and for the nation's economic security and balance of trade.
- Provides that domestic mines that provide strategic or critical minerals shall be treated as an "infrastructure project" as laid out in the President's Executive Order "Improving Performance of Federal Permitting and Review of Infrastructure Projects," dated March 22, 2012.
- Requires the lead agency responsible for issuing permits to identify a project lead to coordinate with stakeholders, cooperate with agencies and project proponents to minimize delays, set and adhere to timelines and schedules for completion of reviews, establish clear permitting goals and track progress in meeting those goals.

- Provides that the responsibility of the lead agency is to maximize the development of the resource, while mitigating environmental impacts so that more of the mineral resource can be brought to the marketplace.
- Sets the total review process for issuing permits to 30 months.
- Sets a 60 day time limit to file a legal challenge to a mining project, gives standing to project proponents, limits injunctive relief to what is necessary to correct the violation of a legal requirement; and prohibits the payment of attorneys' fees, expenses and other costs by the U.S. taxpayer.

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