

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide for the creation of jobs.

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IN THE SENATE OF THE UNITED STATES

Mr. LAUTENBERG (for himself and Mr. HARKIN) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To provide for the creation of jobs.

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.**

4 This Act may be cited as the “21st Century WPA  
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATION.—The term “Administra-  
9 tion” means the Works Progress Administration es-  
10 tablished under section 3.

1           (2) ELIGIBLE DEPARTMENTS.—The term “eligi-  
2           ble Departments” means the Department of Health  
3           and Human Services, the Department of Energy,  
4           the Department of Agriculture, the Department of  
5           the Interior, the Department of Housing and Urban  
6           Development, the Department of Transportation, the  
7           Department of Commerce, the Department of Edu-  
8           cation, the Department of Homeland Security, and  
9           the Environmental Protection Agency.

10           (3) ELIGIBLE INDIVIDUAL.—The term “eligible  
11           individual” means an individual who has been unem-  
12           ployed for at least the 60-day period prior to—

13                   (A) in the case of employment under a  
14                   work project approved by the Administration  
15                   under section 4, the commencement of such  
16                   project;

17                   (B) in the case of a fellowship under sec-  
18                   tion 5, the commencement of such fellowship;  
19                   and

20                   (C) in the case of a grant under section 6,  
21                   the hiring of such individual under the grant.

22           (4) SECRETARY.—The term “Secretary” means  
23           the Secretary of Labor.

1 **SEC. 3. ESTABLISHMENT OF WORKS PROGRESS ADMINIS-**  
2 **TRATION.**

3 (a) ESTABLISHMENT.—There is established within  
4 the Department of Labor a Works Progress Administra-  
5 tion to be headed by the Secretary.

6 (b) PURPOSE.—The purpose of the Administration is  
7 to—

8 (1) receive works project proposals submitted  
9 by Federal departments and agencies under section  
10 4(a)(1); and

11 (2) select works projects proposals that meet  
12 the criteria under section 4(a)(2), as being eligible  
13 for assistance under this Act.

14 **SEC. 4. WPA PROJECTS.**

15 (a) PROJECT PROPOSALS.—

16 (1) SUBMISSION.—Not later than 30 days after  
17 the date of enactment of this Act, and subsequently  
18 at such times as the Administration shall request,  
19 the Secretary of Health and Human Services, the  
20 Secretary of Energy, the Secretary of Agriculture,  
21 the Secretary of Interior, the Secretary of Housing  
22 and Urban Development, the Secretary of Transpor-  
23 tation, the Secretary of Commerce, the Secretary of  
24 Education, the Secretary of Homeland Security, and  
25 the Administrator of the Environmental Protection  
26 Agency shall submit to the Administration proposals

1 for works projects within the jurisdiction of each  
2 such Secretary or Administrator that satisfy the cri-  
3 teria described in paragraph (2).

4 (2) CRITERIA.—The criteria described in this  
5 paragraph are the following with respect to the work  
6 project involved:

7 (A) The project would produce a high  
8 number of employee hours per dollar of the  
9 total project cost.

10 (B) Individuals with the required skills  
11 necessary to carry out the project can be readily  
12 recruited and employed from among the eligible  
13 individuals described in section 2(3).

14 (C) The project would provide a continuing  
15 contribution to economic growth after the  
16 project is completed.

17 (D) The project could be staffed by em-  
18 ployees with minimal delay.

19 (3) TYPES OF PROJECTS.—Works projects  
20 under this subsection may include—

21 (A) residential and commercial building  
22 weatherization projects;

23 (B) residential and commercial water use  
24 efficiency improvement projects;

1 (C) highway, bridge, and rail repair and  
2 maintenance projects;

3 (D) manufacturing projects;

4 (E) school, library, and firehouse construc-  
5 tion projects;

6 (F) soil erosion and pesticide runoff pre-  
7 vention projects;

8 (G) trail maintenance projects; and

9 (H) other projects that are proposed by  
10 the eligible departments and determined appro-  
11 priate by the Administration.

12 (b) REQUIREMENTS.—Project proposals submitted to  
13 the Administration under subsection (a)(1) shall include—

14 (1) a description of the project and a full sched-  
15 ule of estimated costs;

16 (2) an estimate of the number of employment  
17 hours required to complete the project;

18 (3) a hiring timetable relating to the employ-  
19 ment of various staffing levels under the project;

20 (4) an estimated project completion date; and

21 (5) such other information as the eligible de-  
22 partment determines appropriate.

23 (c) SELECTION OF PROPOSALS.—The Administration  
24 shall approve those proposals submitted under subsection  
25 (a)(1) that meet the criteria under subsection (a)(2) and

1 provide funding for such project from amounts appro-  
2 priated under section 8.

3 (d) PROJECT ADMINISTRATION.—An eligible depart-  
4 ment that has submitted a works project proposal under  
5 subsection (a)(1) shall have primary responsibility for the  
6 administration and completion of the project.

7 (e) CONTRACTING.—An eligible department shall be  
8 a party to any contract that governs a works project that  
9 is approved and funded in any manner under this Act.

10 **SEC. 5. WPA FELLOWSHIPS.**

11 (a) IN GENERAL.—An eligible employer that is un-  
12 able to hire an individual to fill an employment position  
13 that has been vacant for at least 90 days shall be eligible  
14 to enter into an agreement under this section with the Ad-  
15 ministration to provide training to a WPA fellow with re-  
16 spect to such position so that such fellow may become  
17 qualified to be employed by the employer to fill such posi-  
18 tion.

19 (b) ELIGIBLE EMPLOYER.—To be eligible to enter  
20 into an agreement under subsection (a), an employer shall  
21 submit an application to the Administration at such time,  
22 in such manner, and containing such information as the  
23 Secretary may require, including—

24 (1) a description of the employment position for  
25 which the employer is seeking a WPA fellow; and

1           (2) a certification that the employer has been  
2           unable to fill such position during at least the 90-  
3           day period prior to the date of the application.

4           (c) FELLOWS.—An eligible individual may submit an  
5           application to the Administration to participate in the  
6           WPA fellowship program. Such application shall include  
7           such information as the Secretary shall require. The Ad-  
8           ministration shall maintain a list of eligible individuals  
9           who have submitted applications under this subsection,  
10          along with a description of the skills of each such indi-  
11          vidual.

12          (d) TERMS OF FELLOWSHIP.—

13           (1) DETAILING TO EMPLOYER.—An eligible in-  
14          dividual who is selected to participate in the WPA  
15          fellowship program under this section shall be an  
16          employee of the Administration who is detailed by  
17          the Secretary to fill the employment position of an  
18          eligible employer under this section.

19           (2) TRAINING PERIOD.—A WPA fellow that is  
20          detailed to an employer under paragraph (1) shall be  
21          provided with training by such employer with respect  
22          to the employment position for a period of not to ex-  
23          ceed 12 months, except that the employer may at  
24          any time during such 12-month period employ such  
25          fellow to fill such employment position. At the con-

1       clusion of such 12-month period, the employer shall  
2       employ such fellow or terminate the services of the  
3       fellow.

4       **SEC. 6. PUBLIC SAFETY HIRING GRANTS.**

5       The Secretary may transfer amounts appropriated  
6       under section 8—

7               (1) to the Attorney General for use under the  
8       grant program under section 1701 of title I of the  
9       Omnibus Crime Control and Safe Streets Act of  
10      1968 (42 U.S.C. 3796dd) for the hiring of eligible  
11      individuals; and

12              (2) to the Federal Emergency Management  
13      Agency for use under the Staffing For Adequate  
14      Fire & Emergency Response Grant program under  
15      the Federal Fire Prevention and Control Act of  
16      1974 (15 U.S.C. 2200 et seq.) for the hiring of eligi-  
17      ble individuals.

18      **SEC. 7. REPORTING AND OVERSIGHT.**

19      (a) IN GENERAL.—Not later than 6 months after the  
20      date of enactment of this Act, and biannually thereafter  
21      (on June 30 and December 31 of each year), the Adminis-  
22      tration shall submit to Congress a report that describes—

23              (1) the number of works project proposals sub-  
24      mitted to the Administration under section 4;

1           (2) the number of works projects approved by  
2 the Administration during the reporting period;

3           (3) the number of works projects completed by  
4 the date of the report;

5           (4) with respect to each approved work project,  
6 a project description that includes information about  
7 whether the project is complete and such other infor-  
8 mation as the Administration determines appro-  
9 priate.

10       (b) AUDITS.—The Government Accountability Office  
11 shall conduct an annual audit of—

12           (1) the performance and activities of the Ad-  
13 ministration;

14           (2) the performance and completion of work  
15 projects; and

16           (3) the performance of the eligible departments  
17 with respect to such projects.

18 **SEC. 8. APPROPRIATIONS.**

19       Out of funds of the Treasury not otherwise appro-  
20 priated, there is appropriated to carry out this Act,  
21 \$250,000,000,000 for the period of fiscal years 2012  
22 through 2013.

23 **SEC. 9. SUNSET.**

24       The authority of the Administration to provide assist-  
25 ance for works projects under this Act shall terminate

1 upon the date on which the Secretary certifies that the  
2 national unemployment rate is below 6 percent.

3 **SEC. 10. SURCHARGE ON HIGH INCOME INDIVIDUALS.**

4 (a) IN GENERAL.—Subchapter A of chapter 1 of the  
5 Internal Revenue Code of 1986 is amended by adding at  
6 the end the following new part:

7 **“PART VIII—SURCHARGE ON HIGH INCOME**  
8 **INDIVIDUALS**

“Sec. 59B. Surcharge on high income individuals.

9 **“SEC. 59B. SURCHARGE ON HIGH INCOME INDIVIDUALS.**

10 “(a) GENERAL RULE.—In the case of a taxpayer  
11 other than a corporation, there is hereby imposed (in addi-  
12 tion to any other tax imposed by this subtitle) a tax equal  
13 to 5.4 percent of so much of the modified adjusted gross  
14 income of the taxpayer as exceeds \$1,000,000 (\$2,000,000  
15 in the case of any taxpayer making a joint return under  
16 section 6013).

17 “(b) MODIFIED ADJUSTED GROSS INCOME.—For  
18 purposes of this section, the term ‘modified adjusted gross  
19 income’ means adjusted gross income reduced by any de-  
20 duction (not taken into account in determining adjusted  
21 gross income) allowed for investment interest (as defined  
22 in section 163(d)). In the case of an estate or trust, ad-  
23 justed gross income shall be determined as provided in sec-  
24 tion 67(e).

1 “(c) SPECIAL RULES.—

2 “(1) NONRESIDENT ALIEN.—In the case of a  
3 nonresident alien individual, only amounts taken  
4 into account in connection with the tax imposed  
5 under section 871(b) shall be taken into account  
6 under this section.

7 “(2) CITIZENS AND RESIDENTS LIVING  
8 ABROAD.—The dollar amount in effect under sub-  
9 section (a) shall be decreased by the excess of—

10 “(A) the amounts excluded from the tax-  
11 payer’s gross income under section 911, over

12 “(B) the amounts of any deductions or ex-  
13 clusions disallowed under section 911(d)(6)  
14 with respect to the amounts described in sub-  
15 paragraph (A).

16 “(3) CHARITABLE TRUSTS.—Subsection (a)  
17 shall not apply to a trust all the unexpired interests  
18 in which are devoted to one or more of the purposes  
19 described in section 170(c)(2)(B).

20 “(4) NOT TREATED AS TAX IMPOSED BY THIS  
21 CHAPTER FOR CERTAIN PURPOSES.—The tax im-  
22 posed under this section shall not be treated as tax  
23 imposed by this chapter for purposes of determining  
24 the amount of any credit under this chapter or for  
25 purposes of section 55.

1       “(d) DEFICIT REDUCTION.—Amounts collected  
2 under this section shall be used to reduce the Federal def-  
3 icit.”.

4       (b) CLERICAL AMENDMENT.—The table of parts for  
5 subchapter A of chapter 1 of the Internal Revenue Code  
6 of 1986 is amended by adding at the end the following  
7 new item:

                  “PART VIII. SURCHARGE ON HIGH INCOME INDIVIDUALS.”.

8       (c) SECTION 15 NOT TO APPLY.—The amendment  
9 made by subsection (a) shall not be treated as a change  
10 in a rate of tax for purposes of section 15 of the Internal  
11 Revenue Code of 1986.

12       (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to taxable years beginning after  
14 December 31, 2011.