

111TH CONGRESS  
2D SESSION

# H. R. 5618

To continue Federal unemployment programs.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2010

Mr. McDERMOTT (for himself and Mr. LEVIN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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

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## A BILL

To continue Federal unemployment programs.

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 “Restoration of Emer-  
5 gency Unemployment Compensation Act of 2010”.

6 **SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PRO-**  
7 **VISIONS.**

8 (a) IN GENERAL.—(1) Section 4007 of the Supple-  
9 mental Appropriations Act, 2008 (Public Law 110–252;  
10 26 U.S.C. 3304 note) is amended—

1 (A) by striking “June 2, 2010” each place it  
2 appears and inserting “November 30, 2010”;

3 (B) in the heading for subsection (b)(2), by  
4 striking “JUNE 2, 2010” and inserting “NOVEMBER  
5 30, 2010”; and

6 (C) in subsection (b)(3), by striking “November  
7 6, 2010” and inserting “April 30, 2011”.

8 (2) Section 2005 of the Assistance for Unemployed  
9 Workers and Struggling Families Act, as contained in  
10 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),  
11 is amended—

12 (A) by striking “June 2, 2010” each place it  
13 appears and inserting “December 1, 2010”; and

14 (B) in subsection (c), by striking “November 6,  
15 2010” and inserting “May 1, 2011”.

16 (3) Section 5 of the Unemployment Compensation  
17 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.  
18 3304 note) is amended by striking “November 6, 2010”  
19 and inserting “April 30, 2011”.

20 (b) FUNDING.—Section 4004(e)(1) of the Supple-  
21 mental Appropriations Act, 2008 (Public Law 110–252;  
22 26 U.S.C. 3304 note) is amended—

23 (1) in subparagraph (D), by striking “and” at  
24 the end; and

1           (2) by inserting after subparagraph (E) the fol-  
2       lowing:

3                   “(F) the amendments made by section  
4           2(a)(1) of the Restoration of Emergency Unem-  
5           ployment Compensation Act of 2010; and”.

6       (c) **CONDITIONS FOR RECEIVING EMERGENCY UNEM-**  
7 **PLOYMENT COMPENSATION.**—Section 4001(d)(2) of the  
8 Supplemental Appropriations Act, 2008 (Public Law 110–  
9 252; 26 U.S.C. 3304 note) is amended, in the matter pre-  
10 ceding subparagraph (A), by inserting before “shall  
11 apply” the following: “(including terms and conditions re-  
12 lating to availability for work, active search for work, and  
13 refusal to accept work)”.

14       (d) **EFFECTIVE DATE.**—The amendments made by  
15 this section shall take effect as if included in the enact-  
16 ment of the Continuing Extension Act of 2010 (Public  
17 Law 111–157).

18 **SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT**  
19 **COMPENSATION WITH REGULAR COMPENSA-**  
20 **TION.**

21       (a) **CERTAIN INDIVIDUALS NOT INELIGIBLE BY REA-**  
22 **SON OF NEW ENTITLEMENT TO REGULAR BENEFITS.**—  
23 Section 4002 of the Supplemental Appropriations Act,  
24 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is  
25 amended by adding at the end the following:

1       “(g) COORDINATION OF EMERGENCY UNEMPLOY-  
2       MENT COMPENSATION WITH REGULAR COMPENSA-  
3       TION.—

4               “(1) If—

5                       “(A) an individual has been determined to  
6                       be entitled to emergency unemployment com-  
7                       pensation with respect to a benefit year,

8                       “(B) that benefit year has expired,

9                       “(C) that individual has remaining entitle-  
10                      ment to emergency unemployment compensa-  
11                      tion with respect to that benefit year, and

12                      “(D) that individual would qualify for a  
13                      new benefit year in which the weekly benefit  
14                      amount of regular compensation is at least ei-  
15                      ther \$100 or 25 percent less than the individ-  
16                      ual’s weekly benefit amount in the benefit year  
17                      referred to in subparagraph (A),

18       then the State shall determine eligibility for com-  
19       pensation as provided in paragraph (2).

20               “(2) For individuals described in paragraph (1),  
21       the State shall determine whether the individual is  
22       to be paid emergency unemployment compensation  
23       or regular compensation for a week of unemploy-  
24       ment using one of the following methods:

1           “(A) The State shall, if permitted by State  
2 law, establish a new benefit year, but defer the  
3 payment of regular compensation with respect  
4 to that new benefit year until exhaustion of all  
5 emergency unemployment compensation payable  
6 with respect to the benefit year referred to in  
7 paragraph (1)(A);

8           “(B) The State shall, if permitted by State  
9 law, defer the establishment of a new benefit  
10 year (which uses all the wages and employment  
11 which would have been used to establish a ben-  
12 efit year but for the application of this para-  
13 graph), until exhaustion of all emergency unem-  
14 ployment compensation payable with respect to  
15 the benefit year referred to in paragraph  
16 (1)(A);

17           “(C) The State shall pay, if permitted by  
18 State law—

19                   “(i) regular compensation equal to the  
20 weekly benefit amount established under  
21 the new benefit year, and

22                   “(ii) emergency unemployment com-  
23 pensation equal to the difference between  
24 that weekly benefit amount and the weekly

1 benefit amount for the expired benefit  
2 year; or

3 “(D) The State shall determine rights to  
4 emergency unemployment compensation without  
5 regard to any rights to regular compensation if  
6 the individual elects to not file a claim for reg-  
7 ular compensation under the new benefit year.”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 this section shall apply to individuals whose benefit years,  
10 as described in section 4002(g)(1)(B) the Supplemental  
11 Appropriations Act, 2008 (Public Law 110–252; 26  
12 U.S.C. 3304 note), as amended by this section, expire  
13 after the date of enactment of this Act.

14 **SEC. 4. REQUIRING STATES TO NOT REDUCE REGULAR**  
15 **COMPENSATION IN ORDER TO BE ELIGIBLE**  
16 **FOR FUNDS UNDER THE EMERGENCY UNEM-**  
17 **PLOYMENT COMPENSATION PROGRAM.**

18 Section 4001 of the Supplemental Appropriations  
19 Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)  
20 is amended by adding at the end the following new sub-  
21 section:

22 “(g) NONREDUCTION RULE.—An agreement under  
23 this section shall not apply (or shall cease to apply) with  
24 respect to a State upon a determination by the Secretary  
25 that the method governing the computation of regular

1 compensation under the State law of that State has been  
2 modified in a manner such that—

3 “(1) the average weekly benefit amount of reg-  
4 ular compensation which will be payable during the  
5 period of the agreement occurring on or after June  
6 2, 2010 (determined disregarding any additional  
7 amounts attributable to the modification described  
8 in section 2002(b)(1) of the Assistance for Unem-  
9 ployed Workers and Struggling Families Act, as con-  
10 tained in Public Law 111–5 (26 U.S.C. 3304 note;  
11 123 Stat. 438)), will be less than

12 “(2) the average weekly benefit amount of reg-  
13 ular compensation which would otherwise have been  
14 payable during such period under the State law, as  
15 in effect on June 2, 2010.”.

16 **SEC. 5. BUDGETARY PROVISIONS.**

17 (a) **STATUTORY PAYGO.**—The budgetary effects of  
18 this Act, for the purpose of complying with the Statutory  
19 Pay-As-You-Go Act of 2010, shall be determined by ref-  
20 erence to the latest statement titled ‘Budgetary Effects  
21 of PAYGO Legislation’ for this Act, submitted for print-  
22 ing in the Congressional Record by the Chairman of the  
23 House Budget Committee, provided that such statement  
24 has been submitted prior to the vote on passage.

1 (b) EMERGENCY DESIGNATIONS.—Sections 2 and  
2 3—

3 (1) are designated as an emergency require-  
4 ment pursuant to section 4(g) of the Statutory Pay-  
5 As-You-Go Act of 2010 (Public Law 111–139; 2  
6 U.S.C. 933(g));

7 (2) in the House of Representatives, are des-  
8 ignated as an emergency for purposes of pay-as-you-  
9 go principles; and

10 (3) in the Senate, are designated as an emer-  
11 gency requirement pursuant to section 403(a) of S.  
12 Con. Res. 13 (111th Congress), the concurrent reso-  
13 lution on the budget for fiscal year 2010.

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