^{111TH CONGRESS} 2D SESSION **S. 3706**

To extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 4, 2010

Ms. STABENOW (for herself, Mr. SCHUMER, Mr. CASEY, Mr. LEVIN, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mr. REED, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

- To extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.
 - 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 "Americans Want to5 Work Act".

6 SEC. 2. ADJUSTMENT TO FOURTH-TIER EMERGENCY UNEM-

7 **PLOYMENT COMPENSATION.**

8 Section 4002(e)(1) of the Supplemental Appropria9 tions Act, 2008 (Public Law 110-252; 26 U.S.C. 3304)

note) is amended by striking "subsection (d)(1) (third-tier
 emergency unemployment compensation)" and inserting
 "subsection (f)(1) (fifth-tier emergency unemployment
 compensation)".

5 SEC. 3. FIFTH-TIER EMERGENCY UNEMPLOYMENT COM-6 PENSATION.

7 (a) IN GENERAL.—Section 4002 of the Supplemental
8 Appropriations Act, 2008, as amended by section 2, is fur9 ther amended—

10 (1) by redesignating subsections (f) and (g) as11 subsections (h) and (i), respectively; and

12 (2) by inserting after subsection (e) the fol-13 lowing new subsection:

14 "(f) FIFTH-TIER EMERGENCY UNEMPLOYMENT15 COMPENSATION.—

"(1) IN GENERAL.—If, at the time that the 16 17 amount added to an individual's account under sub-18 section (d)(1) (third-tier emergency unemployment 19 compensation) is exhausted or at any time there-20 after, such individual's State is in an extended ben-21 efit period (as determined under paragraph (2)), 22 such account shall be further augmented by an 23 amount (hereinafter 'fifth-tier emergency unemploy-24 ment compensation') equal to the lesser of—

"(A) 80 percent of the total amount of 1 2 regular compensation (including dependents' al-3 lowances) payable to the individual during the 4 individual's benefit year under the State law; or 5 "(B) 20 times the individual's average 6 weekly benefit amount (as determined under 7 subsection (b)(2) for the benefit year. "(2) EXTENDED BENEFIT PERIOD.—For pur-8 9 poses of paragraph (1), a State shall be considered 10 to be in an extended benefit period, as of any given 11 time, if— 12 "(A) such a period would then be in effect 13 for such State under section 203(d) of the Fed-14 eral-State Extended Unemployment Compensa-15 tion Act of 1970 (26 U.S.C. 3304 note) if such 16 section did not include the requirement under 17 paragraph (1)(A) thereof; or 18 "(B) such a period would then be in effect 19 for such State under section 203(f) of such Act if— 20 "(i) such section 203(f) were applied 21 22 to such State (regardless of whether the 23 State by law had provided for such appli-24 cation); and 25 "(ii) such section 203(f)—

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| 1 | "(I) were applied by substituting |
| 2 | '7.5' for '6.5' in paragraph (1)(A)(i) |
| 3 | thereof; and |
| 4 | "(II) did not include the require- |
| 5 | ment under paragraph (1)(A)(ii) |
| 6 | thereof. |
| 7 | "(3) LIMITATION.—The account of an indi- |
| 8 | vidual may be augmented not more than once under |
| 9 | this subsection.". |
| 10 | (b) Conforming Amendment to Non-Augmenta- |
| 11 | TION RULE.—Section 4007(b)(2) of the Supplemental Ap- |
| 12 | propriations Act, 2008 (Public Law 110–252; 26 U.S.C. |
| 13 | 3304 note) is amended— |
| 14 | (1) by striking "and (e)" and inserting ", (e), |
| 15 | and (f)"; and |
| 16 | (2) by striking "or (e)" and inserting ", (e), or |
| 17 | (f)". |
| 18 | (c) COORDINATION.—Section 4002(g) of the Supple- |
| 19 | mental Appropriations Act, 2008 (Public Law 110–252; |
| 20 | 26 U.S.C. 3304 note), as redesignated by subsection |
| 21 | (a)(1), is amended by adding at the end the following new |

22 paragraphs:

23 "(3) FURTHER COORDINATION WITH EX24 TENDED COMPENSATION.—Notwithstanding an elec25 tion under section 4001(e) by a State to provide for

1 the payment of emergency unemployment compensa-2 tion prior to extended compensation, such State may 3 pay extended compensation to an otherwise eligible 4 individual prior to any emergency unemployment 5 compensation under subsection (f) (by reason of the 6 amendments made by section 3(a) of the Americans 7 Want to Work Act), if such individual claimed ex-8 tended compensation for at least 1 week of unem-9 ployment after the exhaustion of emergency unem-10 ployment compensation under this part (as this part 11 was in effect on the day before the date of the enact-12 ment of this subsection).

13 "(4) COORDINATION WITH TIERS III, IV, AND 14 v.—If a State determines that implementation of the 15 fifth-tier of emergency unemployment compensation 16 by reason of the amendments made by sections 2 17 and 3 of the Americans Want to Work Act would 18 unduly delay the prompt payment of emergency un-19 employment compensation under this title by reason 20 of the amendments made by such Act, such State 21 may elect to pay fourth-tier emergency unemploy-22 ment compensation prior to the payment of fifth-tier 23 emergency unemployment compensation until such 24 time as such State determines that fifth-tier emer-25 gency unemployment compensation may be paid

| 1 | without undue delay. For purposes of determining |
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| 2 | whether an account may be augmented for fifth-tier |
| 3 | emergency unemployment compensation under sub- |
| 4 | section (f), if a State makes the election described |
| 5 | in the previous sentence, such State shall treat the |
| 6 | date of exhaustion of fourth-tier emergency unem- |
| 7 | ployment compensation as the date of exhaustion of |
| 8 | third-tier emergency unemployment compensation if |
| 9 | the date of exhaustion of fourth-tier emergency un- |
| 10 | employment compensation is later than the date of |
| 11 | exhaustion of third-tier emergency unemployment |
| 12 | compensation.". |
| 13 | (d) Funding.—Section 4004(e)(1) of the Supple- |
| 14 | mental Appropriations Act, 2008 (Public Law 110–252; |
| 15 | 26 U.S.C. 3304 note) is amended— |
| 16 | (1) in subparagraph (E), by striking "and" at |
| 17 | the end; and |
| 18 | (2) by inserting after subparagraph (F) the fol- |
| 19 | lowing new subparagraph: |
| 20 | "(G) the amendments made by subsections |
| 21 | (a), (b), and (c) of section 3 of the Americans |
| 22 | Want to Work Act; and". |
| 23 | (e) EFFECTIVE DATE.—The amendments made by |
| 24 | this section shall apply as if included in the enactment |
| 24 | this section shall apply as it included in the chaethene |

no amount shall be payable by virtue of such amendments
 with respect to any week of unemployment commencing
 before the date of the enactment of this Act.

| 4 | SEC. 4. EXTENSION OF PAYROLL TAX FORGIVENESS FOR |
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| 5 | HIRING UNEMPLOYED WORKERS AND BUSI- |
| 6 | NESS CREDIT FOR THE RETENTION OF CER- |
| 7 | TAIN NEWLY HIRED INDIVIDUALS. |

8 (a) EXTENSION.—Section 3111(d) of the Internal
9 Revenue Code of 1986 is amended—

10 (1) by striking "with respect to employment 11 during the period beginning on the day after the 12 date of the enactment of this subsection and ending 13 on December 31, 2010," in paragraph (1) and in-14 serting "during the applicable period with respect to 15 employment",

16 (2) by striking "January 1, 2011" in paragraph17 (3) and inserting "January 1, 2012",

18 (3) by redesignating paragraph (5) as para19 graph (6) and by inserting after paragraph (4) the
20 following new paragraph:

21 "(5) APPLICABLE PERIOD.—For purposes of
22 paragraph (1), the applicable period is—

23 "(A) with respect to any qualified indi-24 vidual who begins employment after February

| 1 | 3, 2010, the period beginning after March 18, |
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| 2 | 2010, and ending on December 31, 2010, and |
| 3 | "(B) with respect to any qualified indi- |
| 4 | vidual who begins employment after August 4, |
| 5 | 2010, the period beginning on the day after the |
| 6 | date of the enactment of this paragraph and |
| 7 | ending on December 31, 2011.", and |
| 8 | (4) by inserting "AND 2011" after " 2010 " in |
| 9 | the heading thereof. |
| 10 | (b) RAILROAD RETIREMENT TAXES.—Section |
| 11 | 3221(c) of the Internal Revenue Code of 1986 is amend- |
| 12 | ed— |
| 13 | (1) by striking "during the period beginning on |
| | |
| 14 | the day after the date of the enactment of this sub- |
| 14 15 | the day after the date of the enactment of this sub- section and ending on December 31, 2010" in para- |
| | |
| 15 | section and ending on December 31, 2010" in para- |
| 15 16 | section and ending on December 31, 2010" in para- graph (1) and inserting "during the applicable pe- |
| 15 16 17 | section and ending on December 31, 2010" in para- graph (1) and inserting "during the applicable pe- riod", |
| 15 16 17 18 | <pre>section and ending on December 31, 2010" in para- graph (1) and inserting "during the applicable pe- riod", (2) by striking "January 1, 2011" in paragraph</pre> |
| 15 16 17 18 19 | section and ending on December 31, 2010" in paragraph (1) and inserting "during the applicable period", (2) by striking "January 1, 2011" in paragraph (3) and inserting "January 1, 2012", |
| 15 16 17 18 19 20 | section and ending on December 31, 2010" in paragraph (1) and inserting "during the applicable period", (2) by striking "January 1, 2011" in paragraph (3) and inserting "January 1, 2012", (3) by redesignating paragraph (5) as para- |
| 15 16 17 18 19 20 21 | section and ending on December 31, 2010" in paragraph (1) and inserting "during the applicable period", (2) by striking "January 1, 2011" in paragraph (3) and inserting "January 1, 2012", (3) by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the |

| 1 | "(A) with respect to any qualified indi- |
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| 2 | vidual who begins employment after February |
| 3 | 3, 2010, the period beginning after March 18, |
| 4 | 2010, and ending on December 31, 2010, and |
| 5 | "(B) with respect to any qualified indi- |
| 6 | vidual who begins employment after August 4, |
| 7 | 2010, the period beginning on the day after the |
| 8 | date of the enactment of this paragraph and |
| 9 | ending on December 31, 2011.", and |
| 10 | (4) by inserting "AND 2011" after " 2010 " in |
| 11 | the heading thereof. |
| 12 | (c) Transfers to Certain Funds.—Section 101 |
| 13 | of the Hiring Incentives to Restore Employment Act is |
| 14 | amended— |
| 15 | (1) by inserting "and section 4(a) of the Ameri- |
| 16 | cans Want to Work Act" after "subsection (a)" in |
| 17 | subsection (c), and |
| 18 | (2) by inserting "and section 4(b) of the Ameri- |
| 19 | cans Want to Work Act" after "paragraph (1)" in |
| 20 | subsection $(d)(2)$. |
| 21 | (d) Conforming Amendment.—The heading of sec- |
| 22 | tion 102 of the Hiring Incentives to Restore Employment |
| 23 | Act is amended by inserting "AND 2011" after "2010". |
| 24 | (e) TREATMENT OF TEMPORARY CENSUS WORK- |
| 25 | ERS.—Sections $3111(d)(3)$ and $3121(c)(3)$ of the Internal |

Revenue Code of 1986 are each amended by adding at
 the end the following new flush sentence:

3 "For purposes of subparagraph (B), employment by
4 the Bureau of the Census as a temporary enu5 merator for the 2010 decennial census shall not be
6 taken into account.".

7 (f) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the amend9 ments made by section 101 of the Hiring Incentives to
10 Restore Employment Act.

11SEC. 5. INCREASE OF BUSINESS CREDIT FOR THE RETEN-12TION OF CERTAIN NEWLY HIRED INDIVID-13UALS.

(a) IN GENERAL.—Section 102 of the Hiring Incentives to Restore Employment Act (Public Law 111–147)
is amended by adding at the end the following new subsection:

18 "(e) INCREASED CREDIT FOR CERTAIN LONG-TERM19 UNEMPLOYED WORKERS.—

20 "(1) IN GENERAL.—In the case of a qualified
21 long-term unemployed worker, the credit otherwise
22 determined under subsection (a) (without regard to
23 this subsection) with respect to such qualified long24 term unemployed worker shall be increased by
25 \$1,000.

| 1 | "(2) QUALIFIED LONG-TERM UNEMPLOYED |
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| 2 | WORKER.—For purposes of this subsection, the term |
| 3 | 'qualified long-term unemployed worker' means any |
| 4 | qualified individual (as defined in section $3111(d)(3)$ |
| 5 | or section $3221(c)(3)$ of the Internal Revenue Code |
| 6 | of 1986)— |
| 7 | "(A) who is a retained worker, |
| 8 | "(B) who certifies by signed affidavit, |
| 9 | under penalties of perjury, that— |
| 10 | "(i) such individual has not been em- |
| 11 | ployed during the 693-day period ending |
| 12 | on the date such individual begins the em- |
| 13 | ployment with respect to which the indi- |
| 14 | vidual is a qualified individual, or |
| 15 | "(ii) such individual has exhausted all |
| 16 | unemployment insurance benefits under |
| 17 | Federal or State law, if such benefits are |
| 18 | exhausted in a period of less than 693 |
| 19 | days, and |
| 20 | "(C) who begins employment with a quali- |
| 21 | fied employer (as defined in section $3111(d)(2)$ |
| 22 | or section $3221(c)(2)$ of the Internal Revenue |
| 23 | Code of 1986) after the date of the enactment |
| 24 | of this subsection and before January 1, |
| 25 | 2012.". |

(b) EFFECTIVE DATE.—The amendment made by
 this section shall apply to individuals beginning employ ment after the date of the enactment of this Act, in tax able years ending after such date.