To amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2009

Mr. McDermott (for himself, Mr. Rangel, Mr. Stark, Mr. Levin, Mr. Davis of Illinois, Mr. Meek of Florida, Mr. Sestak, Mr. Dingell, Mr. Kildee, Ms. Berkley, Mrs. Miller of Michigan, Mr. LaTourette, Mr. Langevin, Mr. Johnson of Georgia, Mrs. Maloney, Mr. Neal of Massachusetts, Mr. Pascrell, Mr. Etheridge, and Mr. Filner) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Unemployment Compensation Extension Act of 2009”.

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SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.
“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

“(A) section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) section 203(f) of such Act were applied to such State—

“(i) regardless of whether or not the State had by law provided for its application;

“(ii) by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such
State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) Limitation.—The account of an individual may be augmented not more than once under this subsection.”.

(b) Conforming Amendment to Non-Augmentation Rule.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(e)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section)” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be))”.

(c) Transfer of Funds.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and the Unemployment Compensation Extension Act of 2009;”.
(d) **Effective Date.**—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that 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.

**SEC. 3. 0.2 PERCENT FUTA SURTAX.**

(a) **In General.**—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010”, and

(2) by striking “calendar year 2010” in paragraph (2) and inserting “calendar year 2011”.

(b) **Effective Date.**—The amendments made by this section shall apply to wages paid after December 31, 2009.

**SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTOR OF NEW HIRES.**

(a) **In General.**—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee,”.

(b) **Reporting Format and Method.**—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c))
is amended by inserting “, to the extent practicable,” after
“Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.