

111TH CONGRESS  
1ST SESSION

# H. R. 3548

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

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## 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

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## 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 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 “Unemployment Com-  
5 pensation Extension Act of 2009”.

1 **SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COM-**  
2 **PENSATION.**

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

7 “(d) FURTHER ADDITIONAL EMERGENCY UNEM-  
8 PLOYMENT COMPENSATION.—

9 “(1) IN GENERAL.—If, at the time that the  
10 amount added to an individual’s account under sub-  
11 section (c)(1) (hereinafter ‘additional emergency un-  
12 employment compensation’) is exhausted or at any  
13 time thereafter, such individual’s State is in an ex-  
14 tended benefit period (as determined under para-  
15 graph (2)), such account shall be further augmented  
16 by an amount (hereinafter ‘further additional emer-  
17 gency unemployment compensation’) equal to the  
18 lesser of—

19 “(A) 50 percent of the total amount of  
20 regular compensation (including dependents’ al-  
21 lowances) payable to the individual during the  
22 individual’s benefit year under the State law; or

23 “(B) 13 times the individual’s average  
24 weekly benefit amount (as determined under  
25 subsection (b)(2)) for the benefit year.

1           “(2) EXTENDED BENEFIT PERIOD.—For pur-  
2           poses of paragraph (1), a State shall be considered  
3           to be in an extended benefit period, as of any given  
4           time, if such a period would then be in effect for  
5           such State under the Federal-State Extended Unem-  
6           ployment Compensation Act of 1970 if—

7                   “(A) section 203(d) of such Act—

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

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

12                   “(B) section 203(f) of such Act were ap-  
13                   plied to such State—

14                           “(i) regardless of whether or not the  
15                           State had by law provided for its applica-  
16                           tion;

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

19                           “(iii) as if it did not include the re-  
20                           quirement under paragraph (1)(A)(ii)  
21                           thereof.

22           “(3) COORDINATION RULE.—Notwithstanding  
23           an election under section 4001(e) by a State to pro-  
24           vide for the payment of emergency unemployment  
25           compensation prior to extended compensation, such

1 State may pay extended compensation to an other-  
2 wise eligible individual prior to any further addi-  
3 tional emergency unemployment compensation, if  
4 such individual claimed extended compensation for  
5 at least 1 week of unemployment after the exhaus-  
6 tion of additional emergency unemployment com-  
7 pensation.

8 “(4) LIMITATION.—The account of an indi-  
9 vidual may be augmented not more than once under  
10 this subsection.”.

11 (b) CONFORMING AMENDMENT TO NON-AUGMENTA-  
12 TION RULE.—Section 4007(b)(2) of the Supplemental Ap-  
13 propriations Act, 2008 (Public Law 110–252; 26 U.S.C.  
14 3304 note) is amended—

15 (1) by striking “then section 4002(c)” and in-  
16 serting “then subsections (c) and (d) of section  
17 4002”; and

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

21 (c) TRANSFER OF FUNDS.—Section 4004(e)(1) of  
22 the Supplemental Appropriations Act, 2008 (Public Law  
23 110–252; 26 U.S.C. 3304 note) is amended by striking  
24 “Act;” and inserting “Act and the Unemployment Com-  
25 pensation Extension Act of 2009;”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply as if included in the enactment  
3 of the Supplemental Appropriations Act, 2008, except that  
4 no amount shall be payable by virtue of such amendments  
5 with respect to any week of unemployment commencing  
6 before the date of the enactment of this Act.

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

8 (a) IN GENERAL.—Section 3301 of the Internal Rev-  
9 enue Code of 1986 (relating to rate of tax) is amended—

10 (1) by striking “through 2009” in paragraph

11 (1) and inserting “through 2010”, and

12 (2) by striking “calendar year 2010” in para-  
13 graph (2) and inserting “calendar year 2011”.

14 (b) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to wages paid after December 31,  
16 2009.

17 **SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIREC-**  
18 **TORY OF NEW HIRES.**

19 (a) IN GENERAL.—Section 453A(b)(1)(A) of the So-  
20 cial Security Act (42 U.S.C. 653a(b)(1)(A)) is amended  
21 by inserting “the date services for remuneration were first  
22 performed by the employee,” after “of the employee,”.

23 (b) REPORTING FORMAT AND METHOD.—Section  
24 453A(c) of the Social Security Act (42 U.S.C. 653a(c))

1 is amended by inserting “, to the extent practicable,” after  
2 “Each report required by subsection (b) shall”.

3 (c) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 the amendments made by this section shall take ef-  
6 fect six months after the date of enactment of this  
7 Act.

8 (2) COMPLIANCE TRANSITION PERIOD.—If the  
9 Secretary of Health and Human Services determines  
10 that State legislation (other than legislation appro-  
11 priating funds) is required in order for a State plan  
12 under part D of title IV of the Social Security Act  
13 to meet the additional requirements imposed by the  
14 amendment made by subsection (a), the plan shall  
15 not be regarded as failing to meet such requirements  
16 before the first day of the second calendar quarter  
17 beginning after the close of the first regular session  
18 of the State legislature that begins after the effective  
19 date of such amendment. If the State has a 2-year  
20 legislative session, each year of the session is deemed  
21 to be a separate regular session of the State legisla-  
22 ture.

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