

Calendar No. 459

111TH CONGRESS
2D SESSION**H. R. 5618**

IN THE SENATE OF THE UNITED STATES

JULY 13, 2010

Received and read the first time

JULY 14, 2010

Read the second time and placed on the calendar

AN ACT

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. PROCEDURES.**

17 Section 4001 of the Supplemental Appropriations
18 Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note),
19 as amended by section 4, is amended by adding at the
20 end the following new subsection:

21 “(h) PROCEDURES.—Any State with an agreement
22 under this Act shall implement reasonable procedures to—

23 “(1) ensure that benefits under this Act are not
24 provided to any person who appears on any current

1 list of known or suspected terrorists provided to the
2 State by any government agency;

3 “(2) ensure that benefits under this Act are not
4 provided to any individual convicted of a sex offense
5 against a minor (as such terms are defined in sec-
6 tion 111 of the Sex Offender Registration and Noti-
7 fication Act (42 U.S.C. 16911)); and

8 “(3) ensure that the State is enforcing require-
9 ments under subsection (f) of this section to bar un-
10 authorized aliens from receiving emergency unem-
11 ployment compensation under this Act.”.

12 **SEC. 6. BUDGETARY PROVISIONS.**

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

21 (b) **EMERGENCY DESIGNATIONS.**—Sections 2 and
22 3—

23 (1) are designated as an emergency require-
24 ment pursuant to section 4(g) of the Statutory Pay-

1 As-You-Go Act of 2010 (Public Law 111–139; 2
2 U.S.C. 933(g));

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

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

Passed the House of Representatives July 1, 2010.

Attest: LORRAINE C. MILLER,
Clerk.

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