

Public Law 95-19
95th Congress

An Act

To extend the Emergency Unemployment Compensation Act of 1974, and for other purposes.

Apr. 12, 1977
[H.R. 4800]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Extension Act of 1977".

Emergency
Unemployment
Compensation
Extension Act of
1977.
26 USC 3304
note.

TITLE I—AMENDMENTS TO THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 101. EXTENSION OF PROGRAM.

(a) GENERAL RULE.—Section 102(f) (2) of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows:

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note.

"(2) No emergency compensation shall be payable to any individual under an agreement entered into under this Act—

"(A) for any week ending after October 31, 1977, or

"(B) in the case of an individual who (for a week ending after the beginning of his most recent benefit year and before October 31, 1977) had a week with respect to which emergency compensation was payable under such agreement, for any week ending after January 31, 1978."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment ending after March 31, 1977.

SEC. 102. 13-WEEK MAXIMUM FOR THE EMERGENCY BENEFITS AND EMERGENCY BENEFIT PERIOD.

(a) 52-WEEK DURATION PERIOD FOR EMERGENCY BENEFITS.—Subsection (e) of section 102 of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The amount established in such account for any individual shall be equal to the lesser of—

"(A) 50 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(B) 13 times his average weekly benefit amount (as determined for purposes of section 202(b) (1) (C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.";

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note.

(2) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out "amounts determined under paragraphs (2) and (3) with respect to any individual shall each" in paragraph (3) (as so redesignated) and inserting in lieu thereof "amount

determined under paragraph (2) with respect to any individual shall”.

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note.

(b) **EMERGENCY BENEFIT PERIOD.**—Section 102(c)(3)(A)(ii) of such Act is amended by striking out “26 consecutive weeks” and inserting in lieu thereof “13 consecutive weeks”.

26 USC 3304
note.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 105 of such Act is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(2) Paragraph (2) of section 102(b) of such Act is amended—

(A) by striking out “section 105(2)” and inserting in lieu thereof “section 105(a)(2)”; and

(B) by striking out “section 105(4)” and inserting in lieu thereof “section 105(a)(4)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks of unemployment ending after April 30, 1977. For purposes of determining an individual’s entitlement to emergency compensation for weeks ending after April 30, 1977, there shall be taken into account any emergency compensation paid to such individual for weeks which end after the beginning of the individual’s most recent benefit year and before May 1, 1977.

SEC. 103. FINANCING OF EMERGENCY UNEMPLOYMENT COMPENSATION FROM GENERAL FUNDS.

26 USC 3304
note.

(a) **GENERAL RULE.**—Section 104(b) of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) in the first sentence thereof, by striking out “as repayable advances (without interest)”; and

(2) by amending the second sentence thereof to read as follows: “Amounts appropriated and paid to the States under section 103 with respect to weeks of unemployment ending prior to April 1, 1977, shall be repaid, without interest, as provided in section 905(d) of the Social Security Act.”

42 USC 1105.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective on April 1, 1977.

SEC. 104. DENIAL OF EMERGENCY COMPENSATION TO INDIVIDUALS WHO REFUSE OFFERS OF SUITABLE WORK OR WHO ARE NOT ACTIVELY SEEKING WORK.

26 USC 3304
note.

(a) **GENERAL RULE.**—Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

“(h) (1) In addition to any eligibility requirement of the applicable State law, emergency compensation shall not be payable for any week to any individual otherwise eligible to receive such compensation if during such week such individual—

“(A) fails to accept any offer of suitable work or to apply for any suitable work to which he was referred by the State agency, or

“(B) fails to actively engage in seeking work.

“(2) If any individual is ineligible for emergency compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency compensation for any week which begins during a period which—

“(A) begins with the week following the week in which such failure occurs, and

“(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the in-

dividual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

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note.

"(3) Emergency compensation shall not be denied under paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

"(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

"(i) the individual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year, plus

"(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

26 USC 501.

"(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

"(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraph (4); or

"(D) if the position pays wages less than the higher of—

"(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

29 USC 206.

"(ii) any applicable State or local minimum wage.

"(4) For purposes of this subsection—

"(A) The term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

"Suitable work."

"(B) An individual shall be treated as actively engaged in seeking work during any week if—

"(i) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(ii) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

"(5) Any agreement under subsection (a) shall provide that, in the administration of this Act, States shall make provision for referring applicants for benefits under this Act to any suitable work to which subparagraphs (A), (B), (C), and (D) of paragraph (3) would not apply."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

SEC. 105. RECOVERY OF OVERPAYMENTS.

(a) **GENERAL RULE.**—Section 105 of the Emergency Unemployment Compensation Act of 1974 is amended by inserting "(a)" after "Sec. 105." and by adding at the end thereof the following new subsection:

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note.

"(b) (1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or

knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency compensation under this Act to which he was not entitled, such individual—

“(A) shall be ineligible for further emergency compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

“(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

Repayment.

“(2) (A) In the case of individuals who have received amounts of emergency compensation under this Act to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such emergency compensation to the State agency, except that the State agency may waive such repayment if it determines that—

“(i) the payment of such emergency compensation was without fault on the part of any such individual, and

“(ii) such repayment would be contrary to equity and good conscience.

“(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the emergency compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

Notice and hearing.

“(C) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

Review.

“(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

26 USC 3304
note.

SEC. 106. MODIFICATION OF AGREEMENTS.

The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 102 of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to provide for the payment of emergency compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposes such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the last day of such 3-week period.

26 USC 3304
note.

Termination of agreement.

SEC. 107. TERMINATION OF INDIVIDUAL ENTITLEMENT.

(a) **GENERAL RULE.**—Section 102(b) (2) of the Emergency Unemployment Compensation Act of 1974 is amended—

26 USC 3304
note.

(1) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(2) by adding after subparagraph (B) thereof the following: "except that no payment of emergency compensation shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to weeks of unemployment ending after the date of enactment of this Act.

TITLE II—REPAYMENT OF STATE LOANS

SEC. 201. REPAYMENT OF STATE LOANS.

(a) **GENERAL RULE.**—The last sentence of section 3302(c)(2) of the Internal Revenue Code of 1954 (relating to reduction in credits against unemployment tax) is amended by striking out "January 1, 1978" each place it appears and inserting in lieu thereof "January 1, 1980".

26 USC 3302.

(b) **STATE REQUIREMENTS.**—The amendment made by subsection (a) shall not apply in the case of any State unless the Secretary of Labor finds that such State meets the requirements of section 110(b) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

26 USC 3302 note.

26 USC 3302 note.

TITLE III—OTHER UNEMPLOYMENT COMPENSATION AMENDMENTS

SEC. 301. DELAY IN EFFECTIVE DATES WHERE STATE LEGISLATURE DOES NOT MEET IN 1977.

(a) **COVERAGE OF CERTAIN SERVICE PERFORMED FOR NONPROFIT ORGANIZATIONS AND FOR STATE AND LOCAL GOVERNMENTS.**—Subsection (d) of section 115 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

26 USC 3304 note.

"(d) **EFFECTIVE DATE.**—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years; except that—

"(A) the amendments made by subsections (a) and (b) shall only apply with respect to services performed after December 31, 1977; and

"(B) the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1977.

"(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1978 (or if earlier, the date provided by State law)."

(b) **PREGNANCY DISQUALIFICATIONS.**—Subsection (c) of section 312 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

26 USC 3304 note.

"(c) **EFFECTIVE DATE.**—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years.

"(2) In the case of any State the legislature of which does

not meet in a regular session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years.”

(c) **ELECTION OF LOCAL GOVERNMENTS TO USE REIMBURSEMENT METHOD.**—Subsection (c) of section 506 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

26 USC 3304
note.

“(c) **EFFECTIVE DATE.**—

“(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years, but only with respect to services performed after December 31, 1977.

“(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years, but only with respect to services performed after December 31, 1978.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 20, 1976.

SEC. 302. ADDITIONAL AMENDMENTS.

26 USC 3304

(a) **ILLEGAL ALIENS.**—Subparagraph (A) of section 3304(a) (14) of the Internal Revenue Code of 1954 (relating to denial of unemployment compensation to illegal aliens) is amended to read as follows:

“(A) compensation shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a) (7) or section 212(d) (5) of the Immigration and Nationality Act).”

8 USC 1153,
1182.

26 USC 3309.

(b) **REIMBURSEMENT METHOD OF FINANCING FOR LOCAL GOVERNMENTS.**—Paragraph (2) of section 3309(a) of such Code (relating to State law requirements) is amended by striking out “or group of organizations” and inserting in lieu thereof “or group of governmental entities or other organizations”.

26 USC 3304.

(c) **DISQUALIFICATION OF TEACHERS.**—Section 3304(a) (6) (A) of the Internal Revenue Code of 1954 (relating to approval of State unemployment laws) is amended—

(1) in clause (i)—

(A) by striking out “instructional research” and inserting in lieu thereof “instructional, research”; and

(B) by striking out “two successive academic years” and inserting in lieu thereof “two successive academic years or terms”;

(2) by striking out “and” at the end of clause (i); and

(3) by adding at the end thereof the following new clause:

“(iii) with respect to any services described in clause (i) or (ii), compensation payable on the basis of such services may be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a

reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess, and”.

(d) **EFFECTIVE DATES.**—

(1) The amendment made by subsection (a) shall take effect as if included in the amendment made by section 314 of the Unemployment Compensation Amendments of 1976.

26 USC 3304
note.

(2) The amendment made by subsection (b) shall take effect as if included in the amendments made by section 506 of the Unemployment Compensation Amendments of 1976.

90 Stat. 2680.

(3) The amendments made by subsection (c) shall take effect as if included in the amendments made by section 115(c) of the Unemployment Compensation Amendments of 1976.

26 USC 3309
note.

90 Stat. 2687.

26 USC 3304
note.

90 Stat. 2670.

(e) **RECIPIENTS OF RETIREMENT BENEFITS.**—Paragraph (15) of section 3304(a) of the Internal Revenue Code of 1954 (relating to the denial of unemployment compensation to recipients of retirement benefits) is amended by striking “September 30, 1979” and inserting in lieu thereof “March 31, 1980”.

26 USC 3304.

SEC. 303. DELAY IN REPORTING DATES FOR NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION.

(a) **INTERIM REPORT.**—Subsection (f) of section 411 of the Unemployment Compensation Amendments of 1976 (relating to interim report of National Commission on Unemployment Compensation) is amended by striking out “March 31, 1978” and inserting in lieu thereof “September 30, 1978”.

26 USC 3304
note.

(b) **FINAL REPORT.**—Subsection (g) of such section 411 (relating to final report) is amended by striking out “January 1, 1979” and inserting in lieu thereof “July 1, 1979”.

TITLE IV—FEDERAL SALARY ACT AMENDMENTS OF 1977

SEC. 401. EFFECTIVE DATE OF AND CONGRESSIONAL APPROVAL OF RECOMMENDATIONS OF THE PRESIDENT.

(a) Section 225(i) of Public Law 90-206 is amended to read as follows: 2 USC 359.

“(i) Effective date of and congressional approval of recommendations of the President—

“(1) Within sixty calendar days of the submission of the President’s recommendations to the Congress, each House shall conduct a separate vote on each of the recommendations of the President with respect to the offices and positions described in subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, and shall thereby approve or disapprove the recommendations of the President regarding each such subparagraph. Such votes shall be recorded so as to reflect the votes of each individual Member thereon. If both Houses approve by majority vote the recommendations pertaining to the offices and positions described in any such subparagraph, the recommendations shall become effective for the offices and positions covered by such subparagraph at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second House to approve the recommendation.

“(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations,

2 USC 360.

be made operative on a date later than the date on which such recommendations otherwise are to take effect.”.

(b) Section 225(j) of Public Law 90-206 is amended by inserting immediately after “subsection (b) (2) and (3) of this section shall” the language “, if approved by the Congress as provided in subsection (i),”.

Approved April 12, 1977.

TITLE IV—FEDERAL SALARY ACT AMENDMENTS OF 1977

SEC. 401. EFFECTIVE DATE OF AND CONGRESSIONAL APPROVAL OF
RECOMMENDATIONS OF THE PRESIDENT.

(a) Section 225(j) of Public Law 90-206 is amended to read as follows:

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-82 (Comm. on Ways and Means) and No. 95-158 (Comm. of Conference).

SENATE REPORT No. 95-67 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, considered and passed House.

Mar. 30, considered and passed Senate, amended.

Apr. 4, House and Senate agreed to conference report.