

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Unemploy-  
5 ment Compensation Extension Act of 2009”.

6 **SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.**

7 (a) IN GENERAL.—Section 4002(c) of the Supple-  
8 mental Appropriations Act, 2008 (Public Law 110–252;  
9 26 U.S.C. 3304 note) is amended—

1 (1) in paragraph (1)—

2 (A) in the matter preceding subparagraph  
3 (A), by striking “If” and all that follows  
4 through “paragraph (2))” and inserting “At  
5 the time that the amount established in an indi-  
6 vidual’s account under subsection (b)(1) is ex-  
7 hausted”;

8 (B) in subparagraph (A), by striking “50  
9 percent” and inserting “54 percent”; and

10 (C) in subparagraph (B), by striking “13”  
11 and inserting “14”;

12 (2) by striking paragraph (2); and

13 (3) by redesignating paragraph (3) as para-  
14 graph (2).

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply as if included in the enactment  
17 of the Supplemental Appropriations Act, 2008, except that  
18 no amount shall be payable by virtue of such amendments  
19 with respect to any week of unemployment commencing  
20 before the date of the enactment of this Act.

21 **SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COM-**  
22 **PENSATION.**

23 (a) IN GENERAL.—Section 4002 of the Supplemental  
24 Appropriations Act, 2008 (Public Law 110–252; 26

1 U.S.C. 3304 note) is amended by adding at the end the  
2 following new subsection:

3 “(d) **THIRD-TIER EMERGENCY UNEMPLOYMENT**  
4 **COMPENSATION.**—

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

14 “(A) 50 percent of the total amount of  
15 regular compensation (including dependents’ al-  
16 lowances) payable to the individual during the  
17 individual’s benefit year under the State law; or

18 “(B) 13 times the individual’s average  
19 weekly benefit amount (as determined under  
20 subsection (b)(2)) for the benefit year.

21 “(2) **EXTENDED BENEFIT PERIOD.**—For pur-  
22 poses of paragraph (1), a State shall be considered  
23 to be in an extended benefit period, as of any given  
24 time, if—

1           “(A) such a period would then be in effect  
2 for such State under such Act if section 203(d)  
3 of such Act—

4           “(i) were applied by substituting ‘4’  
5 for ‘5’ each place it appears; and

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

8           “(B) such a period would then be in effect  
9 for such State under such Act if—

10           “(i) section 203(f) of such Act were  
11 applied to such State (regardless of wheth-  
12 er the State by law had provided for such  
13 application); and

14           “(ii) such section 203(f)—

15           “(I) were applied by substituting  
16 ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i)  
17 thereof; and

18           “(II) did not include the require-  
19 ment under paragraph (1)(A)(ii)  
20 thereof.

21           “(3) LIMITATION.—The account of an indi-  
22 vidual may be augmented not more than once under  
23 this subsection.”.

24           (b) CONFORMING AMENDMENT TO NON-AUGMENTA-  
25 TION RULE.—Section 4007(b)(2) of the Supplemental Ap-

1 appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.  
2 3304 note) is amended—

3 (1) by striking “then section 4002(c)” and in-  
4 sserting “then subsections (c) and (d) of section  
5 4002”; and

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

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply as if included in the enactment  
11 of the Supplemental Appropriations Act, 2008, except that  
12 no amount shall be payable by virtue of such amendments  
13 with respect to any week of unemployment commencing  
14 before the date of the enactment of this Act.

15 **SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COM-**  
16 **PENSATION.**

17 (a) IN GENERAL.—Section 4002 of the Supplemental  
18 Appropriations Act, 2008 (Public Law 110–252; 26  
19 U.S.C. 3304 note), as amended by section 3(a), is amend-  
20 ed by adding at the end the following new subsection:

21 “(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT  
22 COMPENSATION.—

23 “(1) IN GENERAL.—If, at the time that the  
24 amount added to an individual’s account under sub-  
25 section (d)(1) (third-tier emergency unemployment

1 compensation) is exhausted or at any time there-  
2 after, such individual's State is in an extended ben-  
3 efit period (as determined under paragraph (2)),  
4 such account shall be further augmented by an  
5 amount (hereinafter 'fourth-tier emergency unem-  
6 ployment compensation') equal to the lesser of—

7 “(A) 24 percent of the total amount of  
8 regular compensation (including dependents' al-  
9 lowances) payable to the individual during the  
10 individual's benefit year under the State law; or

11 “(B) 6 times the individual's average week-  
12 ly benefit amount (as determined under sub-  
13 section (b)(2)) for the benefit year.

14 “(2) EXTENDED BENEFIT PERIOD.—For pur-  
15 poses of paragraph (1), a State shall be considered  
16 to be in an extended benefit period, as of any given  
17 time, if—

18 “(A) such a period would then be in effect  
19 for such State under such Act if section 203(d)  
20 of such Act—

21 “(i) were applied by substituting '6'  
22 for '5' each place it appears; and

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

1                   “(B) such a period would then be in effect  
2                   for such State under such Act if—

3                   “(i) section 203(f) of such Act were  
4                   applied to such State (regardless of wheth-  
5                   er the State by law had provided for such  
6                   application); and

7                   “(ii) such section 203(f)—

8                   “(I) were applied by substituting  
9                   ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i)  
10                  thereof; and

11                  “(II) did not include the require-  
12                  ment under paragraph (1)(A)(ii)  
13                  thereof.

14                  “(3) LIMITATION.—The account of an indi-  
15                  vidual may be augmented not more than once under  
16                  this subsection.”.

17                  (b) CONFORMING AMENDMENT TO NON-AUGMENTA-  
18                  TION RULE.—Section 4007(b)(2) of the Supplemental Ap-  
19                  propriations Act, 2008 (Public Law 110–252; 26 U.S.C.  
20                  3304 note), as amended by section 3(b), is amended—

21                  (1) by striking “and (d)” and inserting “, (d),  
22                  and (e) of section 4002”; and

23                  (2) by striking “or (d)” and inserting “, (d), or  
24                  (e) (as the case may be))”.

1           (c) 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. 5. COORDINATION.**

8           Section 4002 of the Supplemental Appropriations  
9 Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note),  
10 as amended by section 4, is amended by adding at the  
11 end the following new subsection:

12           “(f) COORDINATION RULES.—

13                   “(1) COORDINATION WITH EXTENDED COM-  
14 PENSATION.—Notwithstanding an election under  
15 section 4001(e) by a State to provide for the pay-  
16 ment of emergency unemployment compensation  
17 prior to extended compensation, such State may pay  
18 extended compensation to an otherwise eligible indi-  
19 vidual prior to any emergency unemployment com-  
20 pensation under subsection (c), (d), or (e) (by reason  
21 of the amendments made by sections 2, 3, and 4 of  
22 the Emergency Unemployment Compensation Exten-  
23 sion Act of 2009), if such individual claimed ex-  
24 tended compensation for at least 1 week of unem-  
25 ployment after the exhaustion of emergency unem-

1       ployment compensation under subsection (b) (as  
2       such subsection was in effect on the day before the  
3       date of the enactment of this subsection).

4               “(2) COORDINATION WITH TIERS II, III, AND  
5       IV.—If a State determines that implementation of  
6       the increased entitlement to second-tier emergency  
7       unemployment compensation by reason of the  
8       amendments made by section 2 of the Emergency  
9       Unemployment Compensation Extension Act of 2009  
10      would unduly delay the prompt payment of emer-  
11      gency unemployment compensation under this title  
12      by reason of the amendments made by such Act,  
13      such State may elect to pay third-tier emergency un-  
14      employment compensation prior to the payment of  
15      such increased second-tier emergency unemployment  
16      compensation until such time as such State deter-  
17      mines that such increased second-tier emergency un-  
18      employment compensation may be paid without such  
19      undue delay. If a State makes the election under the  
20      preceding sentence, then, for purposes of deter-  
21      mining whether an account may be augmented for  
22      fourth-tier emergency unemployment compensation  
23      under subsection (e), such State shall treat the date  
24      of exhaustion of such increased second-tier emer-  
25      gency unemployment compensation as the date of

1 exhaustion of third-tier emergency unemployment  
2 compensation, if such date is later than the date of  
3 exhaustion of the third-tier emergency unemploy-  
4 ment compensation.”.

5 **SEC. 6. TRANSFER OF FUNDS.**

6 Section 4004(e)(1) of the Supplemental Appropria-  
7 tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304  
8 note) is amended by striking “Act;” and inserting “Act  
9 and sections 2, 3, and 4 of the Emergency Unemployment  
10 Compensation Extension Act of 2009;”.

11 **SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UN-**  
12 **EMPLOYMENT RESULTING FROM COMPEL-**  
13 **LING FAMILY REASON.**

14 (a) IN GENERAL.—Clause (i) of section 903(f)(3)(B)  
15 of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is  
16 amended to read as follows:

17 “(i) One or both of the following of-  
18 fenses as selected by the State, but in  
19 making such selection, the resulting  
20 change in the State law shall not supercede  
21 any other provision of law relating to un-  
22 employment insurance to the extent that  
23 such other provision provides broader ac-  
24 cess to unemployment benefits for victims  
25 of such selected offense or offenses:

1                   “(I) Domestic violence, verified  
2                   by such reasonable and confidential  
3                   documentation as the State law may  
4                   require, which causes the individual  
5                   reasonably to believe that such indi-  
6                   vidual’s continued employment would  
7                   jeopardize the safety of the individual  
8                   or of any member of the individual’s  
9                   immediate family (as defined by the  
10                  Secretary of Labor); and

11                  “(II) Sexual assault, verified by  
12                  such reasonable and confidential docu-  
13                  mentation as the State law may re-  
14                  quire, which causes the individual rea-  
15                  sonably to believe that such individ-  
16                  ual’s continued employment would  
17                  jeopardize the safety of the individual  
18                  or of any member of the individual’s  
19                  immediate family (as defined by the  
20                  Secretary of Labor).”.

21                  (b) **EFFECTIVE DATE.**—The amendment made by  
22 this section shall apply with respect to State applications  
23 submitted on and after January 1, 2010.

1 **SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSA-**  
2 **TION.**

3 The monthly equivalent of any additional compensa-  
4 tion paid by reason of section 2002 of the Assistance for  
5 Unemployed Workers and Struggling Families Act, as  
6 contained in Public Law 111–5 (26 U.S.C. 3304 note; 123  
7 Stat. 438) shall be disregarded after the date of the enact-  
8 ment of this Act in considering the amount of income and  
9 assets of an individual for purposes of determining such  
10 individual’s eligibility for, or amount of, benefits under the  
11 Supplemental Nutrition Assistance Program (SNAP).

12 **SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**  
13 **FITS UNDER THE RAILROAD UNEMPLOY-**  
14 **MENT INSURANCE ACT.**

15 (a) BENEFITS.—Section 2(c)(2)(D) of the Railroad  
16 Unemployment Insurance Act, as added by section 2006  
17 of the American Recovery and Reinvestment Act of 2009  
18 (Public Law 111–5), is amended—

19 (1) in clause (iii)—

20 (A) by striking “June 30, 2009” and in-  
21 serting “June 30, 2010”; and

22 (B) by striking “December 31, 2009” and  
23 inserting “December 31, 2010”; and

24 (2) by adding at the end of clause (iv) the fol-  
25 lowing: “In addition to the amount appropriated by  
26 the preceding sentence, out of any funds in the

1 Treasury not otherwise appropriated, there are ap-  
2 propriated \$175,000,000 to cover the cost of addi-  
3 tional extended unemployment benefits provided  
4 under this subparagraph, to remain available until  
5 expended.”.

6 (b) ADMINISTRATIVE EXPENSES.—Section 2006 of  
7 division B of the American Recovery and Reinvestment  
8 Act of 2009 (Public Law 111–5; 123 Stat. 445) is amend-  
9 ed by adding at the end of subsection (b) the following:  
10 “In addition to funds appropriated by the preceding sen-  
11 tence, out of any funds in the Treasury not otherwise ap-  
12 propriated, there are appropriated to the Railroad Retire-  
13 ment Board \$807,000 to cover the administrative ex-  
14 penses associated with the payment of additional extended  
15 unemployment benefits under section 2(c)(2)(D) of the  
16 Railroad Unemployment Insurance Act, to remain avail-  
17 able until expended.”.

18 **SEC. 10. 0.2 PERCENT FUTA SURTAX.**

19 (a) IN GENERAL.—Section 3301 of the Internal Rev-  
20 enue Code of 1986 (relating to rate of tax) is amended—  
21 (1) by striking “through 2009” in paragraph  
22 (1) and inserting “through 2010 and the first 6  
23 months of calendar year 2011”,

1           (2) by striking “calendar year 2010” in para-  
2           graph (2) and inserting “the remainder of calendar  
3           year 2011”, and

4           (3) by inserting “(or portion of the calendar  
5           year)” after “during the calendar year”.

6           (b) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to wages paid after December 31,  
8 2009.