

AMENDMENT TO H.R. 3630

OFFERED BY MR. Davis (IL) and Mr. Payne (NJ)

At the end of subtitle B of title II of the bill, add the following (and conform the table of contents accordingly):

1 PART 4—ALTERNATIVE PROVISIONS

2 SEC. 2181. SHORT TITLE.

3 This part may be cited as the “Emergency Unem-
4 ployment Compensation Extension Act of 2011”.

5 SEC. 2182. ALTERNATIVE PROVISIONS.

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of this title—

8 (1) if the condition under subsection (b) is sat-
9 isfied—

10 (A) the provisions of parts 1 through 3
11 shall be applied in accordance with their terms;
12 and

13 (B) the succeeding provisions of this part
14 shall be treated as if they had never been en-
15 acted; and

16 (2) if the condition under subsection (b) is not
17 satisfied—

1 (A) the succeeding provisions of this part
2 shall be applied in accordance with their terms;
3 and

4 (B) the provisions of parts 1 through 3
5 shall be treated as if they had never been en-
6 acted.

7 (b) **CONDITION.**—The condition under this subsection
8 shall be considered to have been satisfied if, not later than
9 December 27, 2011, the Secretary of Labor—

10 (1) determines that the implementation of parts
11 1 through 3 will not have a disproportionately ad-
12 verse effect on members of racial or ethnic minority
13 groups; and

14 (2) provides written notification to Congress to
15 that effect.

16 **Subpart A—Extension of Unemployment Programs**

17 **SEC. 2191. TEMPORARY EXTENSION OF UNEMPLOYMENT**
18 **INSURANCE PROVISIONS.**

19 (a) **IN GENERAL.**—(1) Section 4007 of the Supple-
20 mental Appropriations Act, 2008 (Public Law 110–252;
21 26 U.S.C. 3304 note) is amended—

22 (A) by striking “January 3, 2012” each place
23 it appears and inserting “January 3, 2013”;

1 (B) in the heading for subsection (b)(2), by
2 striking “JANUARY 3, 2012” and inserting “JANUARY
3 3, 2013”; and

4 (C) in subsection (b)(3), by striking “June 9,
5 2012” and inserting “June 8, 2013”.

6 (2) Section 2005 of the Assistance for Unemployed
7 Workers and Struggling Families Act, as contained in
8 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),
9 is amended—

10 (A) by striking “January 4, 2012” each place
11 it appears and inserting “January 4, 2013”; and

12 (B) in subsection (e), by striking “June 11,
13 2012” and inserting “June 11, 2013”.

14 (3) Section 5 of the Unemployment Compensation
15 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.
16 3304 note) is amended by striking “June 10, 2012” and
17 inserting “June 10, 2013”.

18 (b) FUNDING.—Section 4004(e)(1) of the Supple-
19 mental Appropriations Act, 2008 (Public Law 110–252;
20 26 U.S.C. 3304 note) is amended—

21 (1) in subparagraph (F), by striking “and” at
22 the end; and

23 (2) by inserting after subparagraph (G) the fol-
24 lowing:

1 “(H) the amendments made by section
2 2191(a)(1) of the Emergency Unemployment
3 Compensation Extension Act of 2011; and”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect as if included in the enact-
6 ment of the Tax Relief, Unemployment Insurance Reau-
7 thorization, and Job Creation Act of 2010 (Public Law
8 111–312).

9 **SEC. 2192. MODIFICATION OF INDICATORS UNDER THE EX-**
10 **TENDED BENEFIT PROGRAM.**

11 (a) EXTENSION.—Section 203 of the Federal-State
12 Extended Unemployment Compensation Act of 1970 (26
13 U.S.C. 3304 note) is amended—

14 (1) in subsection (d), by striking “December
15 31, 2011” and inserting “December 31, 2012”; and

16 (2) in subsection (f)(2), by striking “December
17 31, 2011” and inserting “December 31, 2012”.

18 (b) INDICATOR.—Section 203(d) of the Federal-State
19 Extended Unemployment Compensation Act of 1970 (26
20 U.S.C. 3304 note) is amended by adding at the end the
21 following: “Effective with respect to compensation for
22 weeks of unemployment beginning on or after January 1,
23 2012 (or, if later, the date established pursuant to State
24 law) and ending on or before December 31, 2012, the
25 State may by statute, regulation, or other issuance having

1 the force and effect of law provide that the determination
2 of whether there has been a State ‘on’ or ‘off’ indicator
3 beginning or ending any extended benefit period shall be
4 made under this subsection, disregarding subparagraph
5 (A) of paragraph (1) and as if paragraph (2) had been
6 amended by striking ‘either subparagraph (A) or’.”

7 (c) ALTERNATIVE TRIGGER.—Section 203(f) of the
8 Federal-State Extended Unemployment Compensation Act
9 of 1970 (26 U.S.C. 3304 note) is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4); and

12 (2) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) Effective with respect to compensation for weeks
15 of unemployment beginning on or after January 1, 2012
16 (or, if later, the date established pursuant to State law)
17 and ending on or before December 31, 2012, the State
18 may by statute, regulation, or other issuance with the
19 force and effect of law provide that the determination of
20 whether there has been a State ‘on’ or ‘off’ indicator be-
21 ginning or ending any extended benefit period shall be
22 made under this subsection, disregarding clause (ii) of
23 paragraph (1)(A) and as if paragraph (1)(B) had been
24 amended by striking ‘either the requirements of clause (i)
25 or (ii)’ and inserting ‘the requirements of clause (i)’.”

1 **SEC. 2193. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**
2 **FITS UNDER THE RAILROAD UNEMPLOY-**
3 **MENT INSURANCE ACT.**

4 (a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Rail-
5 road Unemployment Insurance Act, as added by section
6 2006 of the American Recovery and Reinvestment Act of
7 2009 (Public Law 111–5) and as amended by section 9
8 of the Worker, Homeownership, and Business Assistance
9 Act of 2009 (Public Law 111–92) and section 505 of the
10 Tax Relief, Unemployment Insurance Reauthorization,
11 and Job Creation Act of 2010 (Public Law 111–312), is
12 amended—

13 (1) by striking “June 30, 2011” and inserting
14 “June 30, 2012”; and

15 (2) by striking “December 31, 2011” and in-
16 sserting “December 31, 2012”.

17 (b) **CLARIFICATION ON AUTHORITY TO USE**
18 **FUNDS.**—Funds appropriated under either the first or
19 second sentence of clause (iv) of section 2(c)(2)(D) of the
20 Railroad Unemployment Insurance Act shall be available
21 to cover the cost of additional extended unemployment
22 benefits provided under such section 2(c)(2)(D) by reason
23 of the amendments made by subsection (a) as well as to
24 cover the cost of such benefits provided under such section
25 2(c)(2)(D), as in effect on the day before the date of the
26 enactment of this Act.

1 **Subpart B—State and Employer Assistance**

2 **SEC. 2191a. EXTENSION OF TEMPORARY ASSISTANCE FOR**
3 **STATES WITH ADVANCES.**

4 Section 1202(b)(10)(A) of the Social Security Act
5 (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter be-
6 fore clause (i), by striking “2010—” and inserting “2010
7 and the 12-month period beginning on October 1, 2011—
8 ”.

9 **SEC. 2192a. FUTA CREDIT REDUCTIONS FOR 2011 CONTIN-**
10 **MENT ON VOLUNTARY AGREEMENTS.**

11 (a) IN GENERAL.—Section 3302(c) of the Internal
12 Revenue Code of 1986 is amended—

13 (1) by redesignating paragraph (3) as para-
14 graph (4), and

15 (2) by inserting after paragraph (2) the fol-
16 lowing new paragraph:

17 “(3)(A) If a State has entered into a voluntary
18 agreement under section 2193a of the Emergency
19 Unemployment Compensation Extension Act of
20 2011, the provisions of paragraph (2) shall be ap-
21 plied with respect to the taxable year beginning Jan-
22 uary 1, 2011, or any succeeding taxable year, by
23 deeming January 1, 2012, to be the first January 1
24 occurring after January 1, 2010. For purposes of
25 paragraph (2), consecutive taxable years in the pe-
26 riod commencing January 1, 2012, shall be deter-

1 Labor to enter into a voluntary agreement under this sec-
2 tion.

3 (c) REQUIREMENTS.—An application described in
4 subsection (b) shall be submitted within such time, and
5 in such form and manner, as the Secretary of Labor may
6 require, except that any such application shall include cer-
7 tification by the State that during the period of the agree-
8 ment—

9 (1) the method governing the computation of
10 regular compensation under the State law of the
11 State will not be modified in a manner such that the
12 average weekly benefit amount of regular compensa-
13 tion which will be payable during the period of the
14 agreement will be less than the average weekly ben-
15 efit amount of regular compensation which would
16 have otherwise been payable under the State law as
17 in effect on the date of the enactment of this sub-
18 section;

19 (2) the State law of the State will not be modi-
20 fied in a manner such that any unemployed indi-
21 vidual who would be eligible for regular compensa-
22 tion under the State law in effect on such date of
23 enactment would be ineligible for regular compensa-
24 tion during the period of the agreement or would be
25 subject to any disqualification during the period of

1 the agreement that the individual would not have
2 been subject to under the State law in effect on such
3 date of enactment; and

4 (3) the State law of the State will not be modi-
5 fied in a manner such that the maximum amount of
6 regular compensation that any unemployed indi-
7 vidual would be eligible to receive in a benefit year
8 during the period of the agreement will be less than
9 the maximum amount of regular compensation that
10 the individual would have been eligible to receive
11 during a benefit year under the State law in effect
12 on such date of enactment.

13 (d) DECISION.—The Secretary of Labor shall review
14 any application received from a State to enter into a vol-
15 untary agreement under this section and, within 30 days
16 after the date of receipt, approve or disapprove the appli-
17 cation and notify the Governor of the State of the Sec-
18 retary's decision, including—

19 (1) if approved, the effective date of the agree-
20 ment; and

21 (2) if disapproved, the reasons why it was dis-
22 approved.

23 (e) TERMINATION.—

24 (1) IN GENERAL.—If, after reasonable notice
25 and opportunity for a hearing, the Secretary of

1 Labor finds that a State with which the Secretary
2 has entered into an agreement under this section
3 has modified State law so that it no longer contains
4 the provisions specified in paragraph (1), (2), or (3)
5 of subsection (c) or has failed to comply substan-
6 tially with any of those provisions, the agreement
7 shall be terminated, effective as of such date as the
8 Secretary shall determine, but in no event later than
9 December 31, 2012.

10 (2) EFFECT WITH RESPECT TO REPAYABLE AD-
11 VANCES.—If an agreement under this section with a
12 State is terminated, then, effective as of the termi-
13 nation date of such agreement, paragraph (10) of
14 section 1202(b) of the Social Security Act shall, for
15 purposes of such State, be applied as if subpara-
16 graph (A) of such paragraph had been amended by
17 striking the date specified in such subparagraph (in
18 the matter before clause (i) thereof) and inserting
19 the termination date of such agreement.

20 (f) REGULATIONS.—Any regulations or guidance nec-
21 essary to carry out this subpart or any of the amendments
22 made by this subpart may be prescribed by—

23 (1) to the extent that they relate to section
24 2191a, the Secretary of Labor; and

1 “(2) For purposes of this subsection, a State shall
2 be considered to be a ‘solvent State’ if the outstanding
3 balance for such State of advances under title XII is equal
4 to zero. A determination as to whether or not a State is
5 a solvent State shall be made by the Secretary of Labor—

6 “(A) for each State;

7 “(B) for each quarter to which this subsection
8 applies; and

9 “(C) based on such date or period (before the
10 1st day of such quarter), and otherwise in such
11 manner, as the Secretary of Labor shall determine
12 in consultation with the Secretary of the Treasury.

13 “(3) This subsection applies to each quarter in cal-
14 endar year 2012.

15 “(4) Nothing in this subsection shall have the effect
16 of causing the amount which is credited under subsection
17 (e) to any account in the Fund for any quarter to be less
18 than the amount which (disregarding this subsection)
19 would otherwise have been so credited to such account for
20 such quarter.”.

