

**AMENDMENT TO H.R. 3630**

**OFFERED BY M**\_\_ . \_\_\_\_\_

Strike subtitle B of title II of the bill and insert the following:

1                           **Subtitle B—Emergency**  
2                           **Unemployment Compensation**

3   **SEC. 2101. SHORT TITLE.**

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

6           **PART 1—EXTENSION OF UNEMPLOYMENT**  
7   **PROGRAMS**

8   **SEC. 2121. TEMPORARY EXTENSION OF UNEMPLOYMENT**  
9   **INSURANCE PROVISIONS.**

10          (a) **IN GENERAL.**—(1) Section 4007 of the Supple-  
11   mental Appropriations Act, 2008 (Public Law 110–252;  
12   26 U.S.C. 3304 note) is amended—

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

15                   (B) in the heading for subsection (b)(2), by  
16   striking “JANUARY 3, 2012” and inserting “JANUARY  
17   3, 2013”; and

18                   (C) in subsection (b)(3), by striking “June 9,  
19   2012” and inserting “June 8, 2013”.

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

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

7           (B) in subsection (e), by striking “June 11,  
8 2012” and inserting “June 11, 2013”.

9           (3) Section 5 of the Unemployment Compensation  
10 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.  
11 3304 note) is amended by striking “June 10, 2012” and  
12 inserting “June 10, 2013”.

13           (b) FUNDING.—Section 4004(e)(1) of the Supple-  
14 mental Appropriations Act, 2008 (Public Law 110–252;  
15 26 U.S.C. 3304 note) is amended—

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

18           (2) by inserting after subparagraph (G) the fol-  
19 lowing:

20           “(H) the amendments made by section  
21 2121(a)(1) of the Emergency Unemployment  
22 Compensation Extension Act of 2011; and”.

23           (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect as if included in the enact-  
25 ment of the Tax Relief, Unemployment Insurance Reau-

1 thORIZATION, and Job Creation Act of 2010 (Public Law  
2 111–312).

3 **SEC. 2122. MODIFICATION OF INDICATORS UNDER THE EX-**  
4 **TENDED BENEFIT PROGRAM.**

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

8 (1) in subsection (d), by striking “December  
9 31, 2011” and inserting “December 31, 2012”; and

10 (2) in subsection (f)(2), by striking “December  
11 31, 2011” and inserting “December 31, 2012”.

12 (b) INDICATOR.—Section 203(d) of the Federal-State  
13 Extended Unemployment Compensation Act of 1970 (26  
14 U.S.C. 3304 note) is amended by adding at the end the  
15 following: “Effective with respect to compensation for  
16 weeks of unemployment beginning on or after January 1,  
17 2012 (or, if later, the date established pursuant to State  
18 law) and ending on or before December 31, 2012, the  
19 State may by statute, regulation, or other issuance having  
20 the force and effect of law provide that the determination  
21 of whether there has been a State ‘on’ or ‘off’ indicator  
22 beginning or ending any extended benefit period shall be  
23 made under this subsection, disregarding subparagraph  
24 (A) of paragraph (1) and disregarding ‘either subpara-  
25 graph (A) or’ in paragraph (2).”.

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

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

6 (2) by inserting after paragraph (2) the fol-  
7 lowing:

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

20 **SEC. 2123. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**  
21 **FITS UNDER THE RAILROAD UNEMPLOY-**  
22 **MENT INSURANCE ACT.**

23 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-  
24 road Unemployment Insurance Act, as added by section  
25 2006 of the American Recovery and Reinvestment Act of

1 2009 (Public Law 111–5) and as amended by section 9  
2 of the Worker, Homeownership, and Business Assistance  
3 Act of 2009 (Public Law 111–92) and section 505 of the  
4 Tax Relief, Unemployment Insurance Reauthorization,  
5 and Job Creation Act of 2010 (Public Law 111–312), is  
6 amended—

7 (1) by striking “June 30, 2011” and inserting  
8 “June 30, 2012”; and

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

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

21 **PART 2—STATE AND EMPLOYER ASSISTANCE**

22 **SEC. 2141. EXTENSION OF TEMPORARY ASSISTANCE FOR**  
23 **STATES WITH ADVANCES.**

24 Section 1202(b)(10)(A) of the Social Security Act  
25 (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter be-

1 fore clause (i), by striking “2010—” and inserting “2010  
2 and the 12-month period beginning on October 1, 2011—  
3 ”.

4 **SEC. 2142. FUTA CREDIT REDUCTIONS FOR 2011 CONTIN-**  
5 **GENT ON VOLUNTARY AGREEMENTS.**

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

8 (1) by redesignating paragraph (3) as para-  
9 graph (4), and

10 (2) by inserting after paragraph (2) the fol-  
11 lowing new paragraph:

12 “(3)(A) If a State has entered into a voluntary  
13 agreement under section 2143 of the Emergency  
14 Unemployment Compensation Extension Act of  
15 2011, the provisions of paragraph (2) shall be ap-  
16 plied with respect to the taxable year beginning Jan-  
17 uary 1, 2011, or any succeeding taxable year, by  
18 deeming January 1, 2012, to be the first January 1  
19 occurring after January 1, 2010. For purposes of  
20 paragraph (2), consecutive taxable years in the pe-  
21 riod commencing January 1, 2012, shall be deter-  
22 mined as if the taxable year which begins on Janu-  
23 ary 1, 2012, were the taxable year immediately suc-  
24 ceeding the taxable year which began on January 1,  
25 2010. No taxpayer shall be subject to credit reduc-

1 tions under this paragraph for the taxable year be-  
2 ginning January 1, 2011.

3 “(B) If the voluntary agreement specified in  
4 subparagraph (A) is terminated under section  
5 2143(e) of the Emergency Unemployment Com-  
6 pensation Extension Act of 2011, subparagraph (A)  
7 shall not be effective for any taxable year.”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall apply to taxable years beginning after  
10 December 31, 2010.

11 **SEC. 2143. ASSISTANCE CONTINGENT ON VOLUNTARY**  
12 **AGREEMENTS.**

13 (a) IN GENERAL.—The amendment made by section  
14 2141 shall not apply with respect to any State with which  
15 the Secretary of Labor has not entered into a voluntary  
16 agreement under this section.

17 (b) APPLICATION.—Any State that has 1 or more  
18 outstanding repayable advances from the Federal unem-  
19 ployment account under section 1201 of the Social Secu-  
20 rity Act (42 U.S.C. 1321) may apply to the Secretary of  
21 Labor to enter into a voluntary agreement under this sec-  
22 tion.

23 (c) REQUIREMENTS.—An application described in  
24 subsection (b) shall be submitted within such time, and  
25 in such form and manner, as the Secretary of Labor may

1 require, except that any such application shall include cer-  
2 tification by the State that during the period of the agree-  
3 ment—

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

14           (2) the State law of the State will not be modi-  
15 fied in a manner such that any unemployed indi-  
16 vidual who would be eligible for regular compensa-  
17 tion under the State law in effect on such date of  
18 enactment would be ineligible for regular compensa-  
19 tion during the period of the agreement or would be  
20 subject to any disqualification during the period of  
21 the agreement that the individual would not have  
22 been subject to under the State law in effect on such  
23 date of enactment; and

24           (3) the State law of the State will not be modi-  
25 fied in a manner such that the maximum amount of



1 regular compensation that any unemployed indi-  
2 vidual would be eligible to receive in a benefit year  
3 during the period of the agreement will be less than  
4 the maximum amount of regular compensation that  
5 the individual would have been eligible to receive  
6 during a benefit year under the State law in effect  
7 on such date of enactment.

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

14 (1) if approved, the effective date of the agree-  
15 ment; and

16 (2) if disapproved, the reasons why it was dis-  
17 approved.

18 (e) TERMINATION.—

19 (1) IN GENERAL.—If, after reasonable notice  
20 and opportunity for a hearing, the Secretary of  
21 Labor finds that a State with which the Secretary  
22 has entered into an agreement under this section  
23 has modified State law so that it no longer contains  
24 the provisions specified in paragraph (1), (2), or (3)  
25 of subsection (c) or has failed to comply substan-

1 tially with any of those provisions, the agreement  
2 shall be terminated, effective as of such date as the  
3 Secretary shall determine, but in no event later than  
4 December 31, 2012.

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

15 (f) REGULATIONS.—Any regulations or guidance nec-  
16 essary to carry out this part or any of the amendments  
17 made by this part may be prescribed by—

18 (1) to the extent that they relate to section  
19 2141, the Secretary of Labor; and

20 (2) to the extent that they relate to section  
21 2142, the Secretary of the Treasury.

22 (g) DEFINITIONS.—For purposes of this section, the  
23 terms “State”, “State law”, “regular compensation”, and  
24 “benefit year” have the respective meanings given such  
25 terms under section 2145 of the Federal-State Extended

1 Unemployment Compensation Act of 1970 (26 U.S.C.  
2 3304 note).

3 **SEC. 2144. SOLVENCY BONUS.**

4 Section 904 of the Social Security Act (42 U.S.C.  
5 1104) is amended by adding at the end the following:

6 “Solvency Bonus

7 “(h)(1) Notwithstanding any other provision of this  
8 section, the amount which is credited under subsection (e)  
9 to the book account of the State agency of a solvent State  
10 shall, for each quarter to which this subsection applies,  
11 be equal to the amount which would be determined under  
12 this section, for such State agency and for such quarter,  
13 if the 5th sentence of subsection (b) were applied by  
14 using—

15 “(A) the average rate of interest which (but for  
16 this subsection) would otherwise have been deter-  
17 mined under subsection (b) for purposes of such  
18 quarter; plus

19 “(B) an additional 2 percentage points.

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

25 “(A) for each State;

1           “(B) for each quarter to which this subsection  
2 applies; and

3           “(C) based on such date or period (before the  
4 1st day of such quarter), and otherwise in such  
5 manner, as the Secretary of Labor shall determine  
6 in consultation with the Secretary of the Treasury.

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

9           “(4) Nothing in this subsection shall have the effect  
10 of causing the amount which is credited under subsection  
11 (e) to any account in the Fund for any quarter to be less  
12 than the amount which (disregarding this subsection)  
13 would otherwise have been so credited to such account for  
14 such quarter.”.

15                                   **PART 3—EXPANSION**

16 **SEC. 2161. SHORT TITLE.**

17           This part may be cited as the “Emergency Unem-  
18 ployment Compensation Expansion Act of 2011”.

19 **SEC. 2162. ADDITIONAL FIRST-TIER EMERGENCY UNEM-**  
20 **PLOYMENT COMPENSATION.**

21           (a) **IN GENERAL.**—Section 4002(b)(1) of the Supple-  
22 mental Appropriations Act, 2008 (Public Law 110–252;  
23 26 U.S.C. 3304 note) is amended—

24                   (1) in subparagraph (A), by striking “80” and  
25 inserting “131”; and

1           (2) in subparagraph (B), by striking “20” and  
2           inserting “34”.

3           (b) COORDINATION RULE.—Section 4002(f) of such  
4 Act is amended by adding at the end the following:

5           “(3) RULES RELATING TO ADDITIONAL WEEKS  
6           OF FIRST-TIER EMERGENCY UNEMPLOYMENT COM-  
7           PENSATION.—

8           “(A) IN GENERAL.—If a State determines  
9           that implementation of the increased entitle-  
10          ment to first-tier emergency unemployment  
11          compensation by reason of the amendments  
12          made by section 2162(a) of the Emergency Un-  
13          employment Compensation Expansion Act of  
14          2011 would unduly delay the prompt payment  
15          of emergency unemployment compensation  
16          under this title, such State may elect to pay  
17          second-tier, third-tier, or fourth-tier emergency  
18          unemployment compensation (or a combination  
19          of those tiers) prior to the payment of such in-  
20          creased first-tier emergency unemployment  
21          compensation until such time as such State de-  
22          termines that such increased first-tier emer-  
23          gency unemployment compensation may be paid  
24          without undue delay.

1           “(B) SPECIAL RULES.—If a State makes  
2 an election under subparagraph (A) which re-  
3 sults in—

4                   “(i) the payment of second-tier (but  
5 not third-tier) emergency unemployment  
6 compensation prior to the payment of in-  
7 creased first-tier emergency unemployment  
8 compensation, then, for purposes of deter-  
9 mining whether an account may be aug-  
10 mented for third-tier emergency unemploy-  
11 ment compensation under subsection (d),  
12 such State shall treat the date of exhaus-  
13 tion of such increased first-tier emergency  
14 unemployment compensation as the date of  
15 exhaustion of second-tier emergency unem-  
16 ployment compensation, if such date is  
17 later than the date of exhaustion of the  
18 second-tier emergency unemployment com-  
19 pensation; or

20                   “(ii) the payment of third-tier emer-  
21 gency unemployment compensation prior to  
22 the payment of increased first-tier emer-  
23 gency unemployment compensation, then,  
24 for purposes of determining whether an ac-  
25 count may be augmented for fourth-tier

1 emergency unemployment compensation  
2 under subsection (e), such State shall treat  
3 the date of exhaustion of such increased  
4 first-tier emergency unemployment com-  
5 pensation as the date of exhaustion of  
6 third-tier emergency unemployment com-  
7 pensation, if such date is later than the  
8 date of exhaustion of the third-tier emer-  
9 gency unemployment compensation.

10 “(4) COORDINATION OF MODIFICATIONS (RE-  
11 LATING TO ADDITIONAL FIRST-TIER EMERGENCY  
12 UNEMPLOYMENT COMPENSATION) WITH EXTENDED  
13 COMPENSATION.—Notwithstanding an election under  
14 section 4001(e) by a State to provide for the pay-  
15 ment of emergency unemployment compensation  
16 prior to extended compensation, such State may pay  
17 extended compensation to an otherwise eligible indi-  
18 vidual prior to any additional emergency unemploy-  
19 ment compensation under subsection (b) (payable by  
20 reason of the amendments made by section 2162(a)  
21 of the Emergency Unemployment Compensation Ex-  
22 pansion Act of 2011), if such individual claimed ex-  
23 tended compensation for at least 1 week of unem-  
24 ployment after the exhaustion of emergency unem-  
25 ployment compensation under subsection (b) (as

1 such subsection was in effect on the day before the  
2 date of the enactment of this paragraph), (c), (d),  
3 or (e).”.

4 (c) FUNDING.—Section 4004(e)(1) of such Act, as  
5 amended by section 501(b) of the Tax Relief, Unemploy-  
6 ment Insurance Reauthorization, and Job Creation Act of  
7 2010 (Public Law 111–312), is amended—

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

10 (2) by inserting after subparagraph (G) the fol-  
11 lowing:

12 “(H) the amendments made by section  
13 2162(a) of the Emergency Unemployment Com-  
14 pensation Expansion Act of 2011; and”.

15 (d) MODIFIED PROGRAM TERMINATION DATE.—Sec-  
16 tion 4007(b)(3) of such Act, as amended by section  
17 501(a)(1)(C) of the Tax Relief, Unemployment Insurance  
18 Reauthorization, and Job Creation Act of 2010 (Public  
19 Law 111–312) is amended by striking “June 9, 2012”  
20 and inserting “September 22, 2012”.

21 **SEC. 2163. REGULATIONS.**

22 The Secretary of Labor may prescribe any operating  
23 instructions or regulations necessary to carry out this part  
24 and the amendments made by this part.



1 **SEC. 2164. EFFECTIVE DATE.**

2       The amendments made by this part shall take effect  
3 as if included in the enactment of the Unemployment  
4 Compensation Extension Act of 2010 (Public Law 111–  
5 205), except that no additional first-tier emergency unem-  
6 ployment compensation shall be payable by virtue of the  
7 amendments made by section 2162(a) with respect to any  
8 week of unemployment commencing before the date of the  
9 enactment of this Act.

