

111TH CONGRESS
1ST SESSION

H. R. 4183

To amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of programs providing unemployment benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2009

Mr. McDERMOTT (for himself, Mr. NADLER of New York, Mr. CONYERS, Mr. SIRES, Mr. ACKERMAN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. CAPUANO, Ms. DELAURO, Mr. MICHAUD, Ms. WOOLSEY, Mr. GRIJALVA, Mr. KILDEE, Mr. LEVIN, Mr. CARDOZA, Ms. BERKLEY, Mr. ELLISON, Mr. DEFAZIO, Ms. PINGREE of Maine, Mr. LANGEVIN, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of programs providing unemployment benefits, and for other purposes.

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 “Helping Unemployed
5 Workers Act”.

1 **SEC. 2. TEMPORARY EXTENSION OF CERTAIN UNEMPLOY-**
2 **MENT BENEFITS.**

3 (a) **EMERGENCY UNEMPLOYMENT COMPENSA-**
4 **TION.**—Section 4007 of the Supplemental Appropriations
5 Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)
6 is amended—

7 (1) by striking “December 31, 2009” each
8 place it appears and inserting “March 31, 2011”;

9 (2) in the heading for subsection (b)(2), by
10 striking “DECEMBER 31, 2009” and inserting
11 “MARCH 31, 2011”; and

12 (3) in subsection (b)(3), by striking “May 31,
13 2010” and inserting “August 31, 2011”.

14 (b) **ADDITIONAL REGULAR COMPENSATION.**—Section
15 2002(e) of the Assistance for Unemployed Workers and
16 Struggling Families Act, as contained in Public Law 111–
17 5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

18 (1) in paragraph (1)(B), by striking “January
19 1, 2010” and inserting “April 1, 2011”;

20 (2) in the heading for paragraph (2), by strik-
21 ing “JANUARY 1, 2010” and inserting “APRIL 1,
22 2011”; and

23 (3) in paragraph (3), by striking “June 30,
24 2010” and inserting “September 30, 2011”.

25 (c) **FULL FUNDING OF EXTENDED BENEFITS.**—Sec-
26 tion 2005 of the Assistance for Unemployed Workers and

1 Struggling Families Act, as contained in Public Law 111–
2 5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

3 (1) by striking “January 1, 2010” each place
4 it appears and inserting “April 1, 2011”;

5 (2) in subsection (c), by striking “June 1,
6 2010” and inserting “September 1, 2011”; and

7 (3) in subsection (d), by striking “May 30,
8 2010” and inserting “August 31, 2011”.

9 **SEC. 3. FUNDING FOR TEMPORARY EXTENSION OF CER-**
10 **TAIN UNEMPLOYMENT BENEFITS.**

11 Section 4004(e)(1) of the Supplemental Appropria-
12 tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304
13 note) is amended by striking “by reason of” and all that
14 follows and inserting the following: “by reason of—

15 “(A) the amendments made by section
16 2001(a) of the Assistance for Unemployed
17 Workers and Struggling Families Act;

18 “(B) the amendments made by sections 2
19 through 4 of the Worker, Homeownership, and
20 Business Assistance Act of 2009; and

21 “(C) the amendments made by section 2(a)
22 of the Helping Unemployed Workers Act; and”.

1 **SEC. 4. TEMPORARY FINANCING OF CERTAIN SHORT-TIME**
2 **COMPENSATION PROGRAMS.**

3 (a) PAYMENTS TO STATES WITH CERTIFIED PRO-
4 GRAMS.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary
7 shall establish a program under which the Secretary
8 shall make payments to any State unemployment
9 trust fund to be used for the payment of unemploy-
10 ment compensation if the Secretary approves an ap-
11 plication for certification submitted under paragraph
12 (4) for such State to receive reimbursement for a
13 short-time compensation program (as referred to in
14 section 3304(a)(4) of the Internal Revenue Code of
15 1986 and section 303(a)(5) of the Social Security
16 Act).

17 (2) REQUIREMENTS FOR CERTIFICATION.—A
18 program may not be certified, for purposes of this
19 section, unless such program requires—

20 (A) a participating employer to submit and
21 comply with the terms of a written plan ap-
22 proved by the State agency;

23 (B) a participating employer to certify that
24 continuation of health and retirement benefits
25 under a defined benefit pension plan (as defined
26 by section 3(35) of the Employee Retirement

1 Income Security Act of 1974) is not affected by
2 participation in the program; and

3 (C) in the case of employees represented
4 by a union, that the appropriate official of the
5 union has agreed to the terms of the employer's
6 written plan and implementation is consistent
7 with employer obligations under the National
8 Labor Relations Act.

9 (3) FULL REIMBURSEMENT.—Subject to sub-
10 section (d), the payment to a State under paragraph
11 (1) shall be an amount equal to 100 percent of the
12 total amount of benefits paid to individuals by the
13 State pursuant to the short-time compensation pro-
14 gram for weeks of unemployment—

15 (A) beginning on or after the date as of
16 which a certification is issued by the Secretary
17 with respect to such program; and

18 (B) ending on or before December 31,
19 2011.

20 (4) CERTIFICATION PROCEDURES.—

21 (A) IN GENERAL.—Any State seeking re-
22 imbursement under this subsection shall submit
23 an application for certification at such time, in
24 such manner, and complete with such informa-
25 tion as the Secretary may require (whether by

1 regulation or otherwise), including information
2 relating to compliance with the requirements of
3 paragraph (2). The Secretary shall, within 30
4 days after receiving a complete application, no-
5 tify the State agency of the State of the Sec-
6 retary's findings with respect to the require-
7 ments of paragraph (2).

8 (B) FINDINGS.—If the Secretary finds
9 that the short-time compensation program oper-
10 ated by the State meets the requirements of
11 paragraph (2), the Secretary shall certify such
12 State's short-time compensation program,
13 thereby making such State eligible for reim-
14 bursement under this subsection.

15 (b) TERMS OF PAYMENTS.—Payments made to a
16 State under subsection (a)(1) shall be payable by way of
17 reimbursement in such amounts as the Secretary esti-
18 mates the State will be entitled to receive under this sec-
19 tion for each calendar month, reduced or increased, as the
20 case may be, by any amount by which the Secretary finds
21 that the Secretary's estimates for any prior calendar
22 month were greater or less than the amounts which should
23 have been paid to the State. Such estimates may be made
24 on the basis of such statistical, sampling, or other method

1 as may be agreed upon by the Secretary and the State
2 agency of the State involved.

3 (c) LIMITATIONS.—

4 (1) GENERAL PAYMENT LIMITATIONS.—No
5 payments shall be made to a State under this sec-
6 tion for benefits paid in excess of 26 weeks to an in-
7 dividual by the State pursuant to a short-time com-
8 pensation program.

9 (2) EMPLOYER LIMITATIONS.—No payments
10 shall be made to a State under this section for bene-
11 fits paid to an individual by the State pursuant to
12 a short-time compensation program if such indi-
13 vidual is employed by an employer—

14 (A) whose workforce during the 3 months
15 preceding the date of the submission of the em-
16 ployer's short-time compensation plan has been
17 reduced by temporary layoffs of more than 20
18 percent;

19 (B) on a seasonal, temporary, or intermit-
20 tent basis; or

21 (C) engaged in a labor dispute.

22 (3) PROGRAM PAYMENT LIMITATION.—In mak-
23 ing any payments to a State under this section pur-
24 suant to a short-time compensation program, the

1 Secretary may limit the frequency of employer par-
2 ticipation in such program.

3 (d) COMPLIANCE OVERSIGHT.—

4 (1) IN GENERAL.—A participating employer
5 under this section is required to comply with the
6 terms of the written plan approved by the State
7 agency, including provisions related to retaining par-
8 ticipating employees.

9 (2) OVERSIGHT AND MONITORING.—The Sec-
10 retary shall establish an oversight and monitoring
11 process by which State agencies will ensure that par-
12 ticipating employers comply with the requirements of
13 paragraph (1).

14 (e) FUNDING.—There are appropriated, from time to
15 time, out of any moneys in the Treasury not otherwise
16 appropriated, to the Secretary, such sums as the Secretary
17 certifies are necessary to carry out this section (including
18 to reimburse any administrative expenses incurred by the
19 States in operating such short-time compensation pro-
20 grams).

21 (f) DEFINITIONS.—In this section—

22 (1) the term “Secretary” means the Secretary
23 of Labor;

1 (2) the term “State” includes the District of
2 Columbia, the Commonwealth of Puerto Rico, and
3 the Virgin Islands; and

4 (3) the terms “State agency” and “week” have
5 the respective meanings given them by section 205
6 of the Federal-State Extended Unemployment Com-
7 pensation Act of 1970.

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