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Temporary Extension of Unemployment Benefits: Emergency Unemployment Compensation (EUC08)

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Temporary Extension of Unemployment Benefits: Emergency Unemployment Compensation (EUC08)

Abstract

[Excerpt] In July 2008, a new temporary unemployment benefit, the Emergency Unemployment Compensation (EUC08) program, began. The program's authorization ended on November 27, 2010. EUC08 was created by P.L. 110-252, and it has been amended by P.L. 110-449, P.L. 111-5, P.L. 111-92, P.L. 111-118, P.L. 111-144, P.L. 111-157, and P.L. 111-205. Most recently, P.L. 111-205 extended the authorization of the EUC08 program, but did not change the structure of the program or augment benefits. This temporary unemployment insurance program provides up to 20 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation (UC) benefits. A second tier of benefits provides up to an additional 14 weeks of benefits (for a total of up to 34 weeks of EUC08 benefits for all unemployed workers). A third tier is available in states with a total unemployment rate of at least 6% and provides up to an additional 13 weeks of EUC08 benefits (for a total of up to 47 weeks of EUC08 benefits in certain states). A fourth tier is available in states with a total unemployment rate of at least 8.5% and provides up to an additional six weeks of EUC08 benefits (for a total of up to 53 weeks of EUC08 benefits in certain states).

All tiers of EUC08 benefits are temporary and expired on the week ending on or before November 30, 2010. Those beneficiaries receiving tier I, II, III, or IV of EUC08 benefits before November 27, 2010 (November 28, 2010, in New York) are "grandfathered" for their remaining weeks of eligibility for that particular tier only. There will be no new entrants into any tier of the EUC08 program after November 27, 2010. If an individual is eligible to continue to receive his or her remaining EUC08 benefit tier after November 27, 2010, that individual would not be entitled to tier II benefits once those tier I benefits were exhausted. No EUC08 benefits—regardless of tier—are payable for any week after April 30, 2011.

P.L. 111-92 expanded benefits available in the EUC08 program, creating two new tiers of benefits (bringing total benefit tiers to four) and adding 20 weeks of EUC08 benefits (for a total of up to 53 benefit weeks). P.L. 111-118 extended the EUC08 program, the 100% federal financing of the Extended Benefit (EB) program, and the \$25 Federal Additional Compensation (FAC) weekly benefit through February 28, 2010. P.L. 111-144 and P.L. 111-157 extended these same three measures until April 5, 2010, and June 2, 2010, respectively.

On July 22, 2010, the President signed P.L. 111-205, the Unemployment Compensation Extension Act of 2010, into law. P.L. 111-205 extended the availability of EUC08 and 100% federal financing of EB until November 30, 2010. P.L. 111-205 did not, however, extend the authorization for the \$25 FAC benefit, which expired on May 29, 2010 (May 30, 2010, for New York).

The latest version of H.R. 4853—as well as S. 3981 and S. 3990—would extend the authorization for the EUC08 program and the 100% federal financing of EB until the beginning of January 2012. H.R. 6419 would extend these same provisions through February 2011.

This report will be updated to reflect current congressional action or programmatic changes. Individuals should contact their state's unemployment agency to obtain information on how to apply for and receive EUC08 benefits. The U.S. Department of Labor maintains a website with links to each state's agency at <http://www.workforcesecurity.doleta.gov/map.asp>.

Keywords

unemployment, benefits, Congress, legislation, compensation

Comments

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Temporary Extension of Unemployment Benefits: Emergency Unemployment Compensation (EUC08)

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Summary

In July 2008, a new temporary unemployment benefit, the Emergency Unemployment Compensation (EUC08) program, began. The program's authorization ended on November 27, 2010. EUC08 was created by P.L. 110-252, and it has been amended by P.L. 110-449, P.L. 111-5, P.L. 111-92, P.L. 111-118, P.L. 111-144, P.L. 111-157, and P.L. 111-205. Most recently, P.L. 111-205 extended the authorization of the EUC08 program, but did not change the structure of the program or augment benefits. This temporary unemployment insurance program provides up to 20 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation (UC) benefits. A second tier of benefits provides up to an additional 14 weeks of benefits (for a total of up to 34 weeks of EUC08 benefits for all unemployed workers). A third tier is available in states with a total unemployment rate of at least 6% and provides up to an additional 13 weeks of EUC08 benefits (for a total of up to 47 weeks of EUC08 benefits in certain states). A fourth tier is available in states with a total unemployment rate of at least 8.5% and provides up to an additional six weeks of EUC08 benefits (for a total of up to 53 weeks of EUC08 benefits in certain states).

All tiers of EUC08 benefits are temporary and expired on the week ending on or before November 30, 2010. Those beneficiaries receiving tier I, II, III, or IV of EUC08 benefits before November 27, 2010 (November 28, 2010, in New York) are "grandfathered" for their remaining weeks of eligibility for that particular tier only. There will be no new entrants into any tier of the EUC08 program after November 27, 2010. If an individual is eligible to continue to receive his or her remaining EUC08 benefit tier after November 27, 2010, that individual would not be entitled to tier II benefits once those tier I benefits were exhausted. No EUC08 benefits—regardless of tier—are payable for any week after April 30, 2011.

P.L. 111-92 expanded benefits available in the EUC08 program, creating two new tiers of benefits (bringing total benefit tiers to four) and adding 20 weeks of EUC08 benefits (for a total of up to 53 benefit weeks). P.L. 111-118 extended the EUC08 program, the 100% federal financing of the Extended Benefit (EB) program, and the \$25 Federal Additional Compensation (FAC) weekly benefit through February 28, 2010. P.L. 111-144 and P.L. 111-157 extended these same three measures until April 5, 2010, and June 2, 2010, respectively.

On July 22, 2010, the President signed P.L. 111-205, the Unemployment Compensation Extension Act of 2010, into law. P.L. 111-205 extended the availability of EUC08 and 100% federal financing of EB until November 30, 2010. P.L. 111-205 did not, however, extend the authorization for the \$25 FAC benefit, which expired on May 29, 2010 (May 30, 2010, for New York).

The latest version of H.R. 4853—as well as S. 3981 and S. 3990—would extend the authorization for the EUC08 program and the 100% federal financing of EB until the beginning of January 2012. H.R. 6419 would extend these same provisions through February 2011.

This report will be updated to reflect current congressional action or programmatic changes. Individuals should contact their state's unemployment agency to obtain information on how to apply for and receive EUC08 benefits. The U.S. Department of Labor maintains a website with links to each state's agency at <http://www.workforcesecurity.doleta.gov/map.asp>.

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Emergency Unemployment Compensation

On June 30, 2008, the President signed the Supplemental Appropriations Act of 2008 (P.L. 110-252) into law. Title IV of this act created a new temporary unemployment insurance program, the Emergency Unemployment Compensation (EUC08) program.¹ This is the eighth time Congress has created a federal temporary program that has extended unemployment compensation during an economic slowdown.² State unemployment compensation (UC) agencies administer the EUC08 benefit along with regular UC benefits. The authorization for this program ended on November 27, 2010.

The EUC08 program has been amended by P.L. 110-449, P.L. 111-5, P.L. 111-92, P.L. 111-118, P.L. 111-144, P.L. 111-157, and P.L. 111-205. This temporary unemployment insurance program provides up to 20 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular UC benefits. A second tier of benefits provides up to an additional 14 weeks of benefits (for a total of 34 weeks of EUC08 benefits for all unemployed workers). A third tier is available in states with a total unemployment rate of at least 6% and provides up to an additional 13 weeks of EUC08 benefits (for a total of 47 weeks of EUC08 benefits). A fourth tier is available in states with a total unemployment rate of at least 8.5% and provides up to an additional six weeks of EUC08 benefits (for a total of 53 weeks of EUC08 benefits).

On July 22, 2010, the President signed P.L. 111-205, the Unemployment Compensation Extension Act of 2010, into law. P.L. 111-205 extended the availability of EUC08 benefits through the week ending on or before November 30, 2010. P.L. 111-205 only extended the authorization of the EUC08 program. It did not change the structure of the program, create additional benefit tiers, or augment any tier of existing EUC08 benefits.

Table 1 provides a summary of how the EUC08 program has changed since it was first authorized. Each row provides the public law that amended the original EUC08 program, the corresponding EUC08 benefits available under that law, and the effective dates authorized by that law.

See **Appendix** for a diagram of the various unemployment benefits available to workers.

¹ For information on previous legislative attempts to extend or expand the EUC08 program or for information on the regular unemployment compensation program, see CRS Report RL33362, *Unemployment Insurance: Available Unemployment Benefits and Legislative Activity*, by Katelin P. Isaacs, Julie M. Whittaker, and Alison M. Shelton.

² The other programs became effective in 1958, 1961, 1972, 1975, 1982, 1991, and 2002. For details on these programs, see CRS Report RL34340, *Extending Unemployment Compensation Benefits During Recessions*, by Julie M. Whittaker and Katelin P. Isaacs.

Table I. Summary of Emergency Unemployment Compensation (EUC08) Program: Public Law, Benefits, Effective Dates, and Financing

Public Law	Benefit Tiers and Availability	Dates in Effect and Financing
Supplemental Appropriations Act of 2008, Title IV Emergency Unemployment Compensation (P.L. 110-252), signed June 30, 2008	13 weeks (all states)	7/6/2008-3/29/2009 (No benefits past 7/4/2009) Funded by federal EUCA funds within UTF.
Unemployment Compensation Extension Act of 2008 (P.L. 110-449), signed November 21, 2008.	Tier I: 20 weeks (all states) Tier II: 13 additional weeks (33 weeks total) if state TUR is 6% or higher or IUR is 4% or higher	11/23/2008-3/29/2009 (No benefits past 8/29/2009) Funded by federal EUCA funds within UTF.
American Recovery and Reinvestment Act of 2009 (P.L. 111-5), signed February 17, 2009.	Same as above. [Note this included several other interventions that augmented UC benefits. The Federal Additional Compensation (FAC) benefit of \$25/week for those receiving UC, EUC08, EB, DUA, or TAA. At state option, EB benefit year could be calculated based upon exhausting EUC08 benefits. 100% federal financing of EB program. First \$2400 of unemployment benefits were excluded from income tax in 2009.]	2/22/2009-12/26/2009 (No benefits past 6/6/2010) Funded by general fund of the Treasury. (Additionally, the FAC program is funded by the general fund of the Treasury. The 100% financing of the EB program is funded by the EUCA funds within the UTF.)
Worker, Homeowner, and Business Assistance Act of 2009 (P.L. 111-92), signed November 6, 2009.	Tier I: 20 weeks (all states) Tier II: 14 additional weeks (34 weeks total, all states) Tier III: 13 additional weeks if state TUR is 6% or higher or IUR is 4% or higher (47 weeks total) Tier IV: 6 additional weeks if state TUR is 8.5% or higher or IUR is 6% or higher (53 weeks total) [Note this included a 1.5 year extension of the Federal Unemployment Tax Act (FUTA) surtax.]	11/8/2009-12/26/2009 (No benefits past 6/6/2010) Funded by general fund of the Treasury. Extended FUTA surtax through June 2011. The estimated revenues collected from FUTA surtax provision were \$2.578 billion and offset the estimated direct spending costs for unemployment insurance provisions of \$2.42 billion.
Department of Defense Appropriations Act, 2010 (P.L. 111-118), signed December 19, 2009.	Same as above.	12/27/2009-2/27/2010 (No benefits past 7/31/2010) Funded by general fund of the Treasury.

Public Law	Benefit Tiers and Availability	Dates in Effect and Financing
Temporary Extension Act of 2010 (P.L. 111-144), signed March 2, 2010.	Same as above.	2/28/2010-4/3/2010 (No benefits past 9/4/2010) Funded by general fund of the Treasury.
The Continuing Extension Act of 2010 (P.L. 111-157), signed April 15, 2010	Same as above.	4/3/2010-6/2/2010 (No benefits past 11/ 6/ 2010) Funded by general fund of the Treasury.
The Unemployment Compensation Extension Act of 2010. (P.L. 111-205), signed July 22, 2010.	Same as above. [Note this did not include an extension of the Federal Additional Compensation (FAC) benefit of \$25/week for those receiving UC, EUC08, EB, DUA, or TAA. The FAC expired on June 2, 2010.]	6/2/2010-11/27/2010 (No benefits past 4/30/ 2011) Funded by general fund of the Treasury.

Source: CRS.

How Does an Eligible Individual Receive the EUC08 Benefit?

An individual should contact his or her state's unemployment agency to obtain specific information on how to apply for and receive EUC08 benefits. The U.S. Department of Labor maintains a website with links to each state's agency at <http://www.workforcesecurity.doleta.gov/map.asp>.

How Much is an Eligible Individual's Weekly EUC08 Benefit?

The amount of the EUC08 benefit is the equivalent of the eligible individual's weekly regular UC benefit and includes any applicable dependents' allowances. Individuals receiving unemployment benefits prior to June 2, 2010, may also receive a supplemental \$25 weekly benefit (see section on "Who is Eligible for the \$25 FAC Benefit?" below).

Who is Eligible for the \$25 FAC Benefit?

P.L. 111-5 created the Federal Additional Compensation (FAC), a \$25 weekly benefit supplement for individuals receiving EUC08 benefits and benefits from other unemployment compensation programs: UC, the Extended Benefit (EB) program, Disaster Unemployment Assistance (DUA), and Trade Adjustment Assistance (TAA). The authorization for the FAC \$25 weekly benefit expired on June 2, 2010. It has not been extended by recent legislation (P.L. 111-205).

If an unemployed individual was receiving any type of unemployment benefit—UC, EUC08, EB, DUA, or TAA—prior to May 29, 2010 (May 30, 2010, for New York), that individual will continue to receive the weekly FAC until he or she has exhausted all unemployment benefits from all unemployment programs (i.e., UC, EUC08, EB, DUA, and TAA) or until December 11, 2010 (December 12, 2010, for New York), whichever date comes first.

Individuals who first begin receiving unemployment benefits after May 29, 2010 (May 30, 2010, for New York) will not receive the FAC.

What is the Duration of an Eligible Individual's EUC08 Benefit?

Tier I

The maximum number of weeks for which an individual may be eligible under tier I EUC08 benefits is capped at 20 weeks. Some individuals may be eligible for fewer weeks of the tier I EUC08 benefits if their regular UC benefit entitlement was less than 26 weeks.

Tier II

Once an individual has exhausted tier I benefits, a second tier is available that provides up to 14 additional weeks of EUC08 benefits.

Tier III

Once an individual has exhausted tier II benefits, a third tier of EUC08 benefits may be available if the individual *worked* in a state with a three-month average total unemployment rate of 6% or higher. The maximum number of weeks of tier III benefits is capped at 13 additional weeks (for a total of 47 weeks of EUC08 benefits).

Tier IV

Once an individual has exhausted tier III benefits, a fourth tier of EUC08 benefits may be available if the individual *worked* in a state with a three-month average unemployment rate of 8.5% or higher. The maximum number of weeks of tier IV benefits is capped at six weeks (for a total of 53 weeks of EUC08 benefits).

How Is High Unemployment Defined for Purposes of Tier III and Tiers IV EUC08 Benefits?

Tier III: The individual must have *worked* in a state where either the three-month seasonally adjusted average state total unemployment rate (TUR)³ must be at least 6% or the insured unemployment rate (IUR)⁴ must be at least 4% in order to qualify for the additional 13 weeks of tier III EUC08 benefits.

Tier IV: The individual must have *worked* in a state where either the three-month seasonally adjusted average state TUR is at least 8.5% or the IUR is at least 6% in order to qualify for the additional six weeks of tier IV EUC08 benefits.

³ The TUR is the ratio of unemployed workers to all workers (employed and unemployed) in the labor market. The TUR is essentially a weekly version of the unemployment rate published by the Bureau of Labor Statistics and based on data from the BLS' monthly Current Population Survey.

⁴ The IUR is the ratio of UC claimants to individuals in UC-covered jobs.

How to Find What Tier Is Available in a State

Each Monday the Department of Labor issues its "Emergency Unemployment Compensation Trigger Notice" at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. If the status column for tier III or tier IV within the notice is "on" for a particular state's row, that state is considered to be high unemployment for the purposes of that tier of EUC08 benefits.

When Do the Expanded EUC08 Benefits Begin and End?

States were required to enter into an agreement with the U.S. Department of Labor (DOL) to provide the original EUC08 benefit to unemployed individuals in the state under the original EUC08. Once the agreement was signed, the EUC08 benefit began the following week (July 6, 2008).

Following the passage of P.L. 110-449, additional weeks of EUC08 benefits became available starting on November 23, 2008. That is, for weeks of unemployment that occur on or after November 23, 2008, the 20 weeks for tier I and 13 additional weeks for tier II EUC08 benefits began to be paid.

The passage of P.L. 111-92 led to the expanded EUC08 benefits of tiers II, III, and IV on November 8, 2009. That is, for weeks of unemployment that occur on or after November 8, 2009, the 14 weeks (one additional week from previous law) of tier II, the 13 weeks of tier III, and the 6 weeks for tier IV EUC08 benefits began to be paid. The additional weeks of benefits created by P.L. 111-92 began to be disbursed the week of November 15, 2009. Delays in payments of approximately three weeks were experienced as states reprogrammed their benefit distribution systems.

All Tiers Terminate the Week Ending On or Before November 30, 2010, with Grandfathering

All tiers of EUC08 benefits are temporary and expire in the week ending on or before November 30, 2010. There are no new entrants into any tier of the EUC08 program after November 27, 2010.⁵ Therefore, to be eligible for an EUC08 tier I benefit, an individual must exhaust his or her *regular* UC benefits before or during the week ending November 20,⁶ in order to enter the first tier of EUC08 benefits during the week ending November 27, 2010.

Those unemployed individuals who had qualified for a tier I, II, III, or IV EUC08 benefit by November 27, 2010, may be "grandfathered" for their remaining weeks of eligibility *for only that specific tier*, and would continue to receive payments for the number of weeks they were deemed eligible within that tier. If an individual is eligible to continue to receive the tier I benefit after November 27, 2010, that individual would not be entitled to tier II benefits once those tier I benefits were exhausted. Similarly, if an individual is eligible to continue to receive the tier II benefit after November 27, 2010, that individual would not be entitled to tier III benefits once those tier II benefits were exhausted. Likewise, if an individual is eligible to continue to receive the tier III benefit after November 27, 2010, that individual would not be entitled to tier IV

⁵ November 28, 2010, in New York state.

⁶ November 21, 2010, for New York state.

benefits once those tier III benefits were exhausted. No EUC08 benefits—regardless of tier—are payable for any week after April 30, 2011.

Tier I EUC08 Eligibility Requirements

First Claimed Regular UC Benefits On or After May 7, 2006

Applicants must have been eligible for regular UC benefits and have exhausted their rights to regular UC with respect to a benefit year that expired during or after the week of May 6, 2007.⁷ For most states, this would apply to individuals who had filed UC claims with an effective date of May 7, 2006, or later. For the state of New York this would apply to original claims filed with an effective date of May 1, 2006, or later.⁸

Exhausted Regular UC Benefit

The right to regular UC benefits must be exhausted to be eligible for EUC08 benefits. Although federal laws and regulations provide broad guidelines on regular UC benefit coverage and eligibility determination, the specifics of regular UC benefits are determined by each state. This results in 53 different programs.⁹ In particular, states determine UC benefit eligibility, amount, and duration through state laws and program regulations.

Generally, regular UC eligibility is based on attaining qualified wages and employment in covered work over a 12-month period (called a base period). Conditional on earnings amounts and number of quarters worked in the base period, an individual may qualify for as little as one week of UC benefits in some states and as many as 26 weeks in other states. Individuals with higher earnings and multiple quarters of work history will generally receive higher UC benefits for a longer period of time.¹⁰

“20 Weeks” of Full-Time Insured Employment or Equivalent

In addition to all state requirements for regular UC eligibility, the EUC08 program requires claimants to have at least 20 weeks of full-time insured employment or the equivalent in insured wages in their base period.

States use one, two, or three different methods for determining an “equivalent” to 20 weeks of full-time insured employment. These methods are described in both law (Section 202(a)(5) of the Extended Unemployment Compensation Act of 1970) and regulation (20 CFR 615.4(b)). In

⁷ Arkansas has a unique approach to calculating a benefit year. In Arkansas, the benefit year begins the first day of the quarter in which an individual files a valid UC claim. Thus, it is unlikely that many individuals in Arkansas who filed UC claims before July 2006 would be eligible to receive EUC08 benefits.

⁸ Note the effective date is not necessarily the actual date when an individual filed for UC. A claim filed on May 10, 2006, may have had an earlier effective date if a state allows retroactive claims.

⁹ The 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands provide UC benefits to their workers.

¹⁰ Individuals in two states (MA and MT) may have regular UC durations that exceed 26 weeks. EB law requires that the total potential duration of UC and EB combined not exceed 39 weeks (46 weeks in the case of the high unemployment TUR trigger). Thus, the total potential entitlement—from all unemployment programs, including UC, EUC08, and EB—in these states is not any greater than in other states.

practice, states that apply any of these three requirements for receipt of regular UC benefits *and* do not allow for exceptions to those requirements do not need to establish that workers meet the 20 weeks of full-time insured employment requirement for the purposes of EUC. The three methods are as follows:

- earnings in the base period equal to at least 1.5 times the high-quarter wages; or
- earnings in the base period of at least 40 times the most recent weekly benefit amount, and if this alternative is adopted, it shall use the weekly benefit amount (including dependents' allowances) payable for a week of total unemployment (before any reduction because of earnings, pensions or other requirements) that applied to the most recent week of regular benefits; or
- earnings in the base period equal to at least 20 weeks of full-time insured employment, and if this alternative is adopted, the term "full-time" shall have the meaning provided by the state law.

The base period may be the regular base period or, if applicable in the state, the period may be the alternative base period or the extended base period if that determined the regular UC benefit.

Tier II EUC08 Eligibility Requirements

Exhausted Tier I EUC08 Benefit

The right to tier I EUC08 benefits must be exhausted to be eligible for the tier II EUC08 benefits.

Tier III EUC08 Eligibility Requirements

Exhausted Tier II EUC08 Benefit

The right to tier II EUC08 benefits must be exhausted to be eligible for the tier III EUC08 benefits. States have the ability to waive this requirement and pay tier III before tier II if doing so would aid in prompt payment of EUC08 benefits.

At or After the Period of Tier II EUC08 Exhaustion, the State Must Currently Have at Least 6% Unemployment Rate

The individual must have *worked* in a state with unemployment currently of at least 6% or an IUR of at least 4%. If the state's unemployment rate meets one of these conditions, a (still) unemployed tier II benefit exhaustee would be eligible for tier III benefits at that time.

Each Monday the Department of Labor issues its "Emergency Unemployment Compensation Trigger Notice" at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. If the status column for tier III within the notice is "on" for a particular state's row, that state is considered to be high unemployment for the purposes of EUC08 tier III benefits.

No Retroactive Payments If State Triggers Back on to Tier III

No retroactive EUC08 payments exist for the period during which the individual had exhausted tier II benefits but the state did not meet the high unemployment criteria. However, once a state reaches the 6.0% level (and it has been at least 13 weeks since a state triggered off tier III), a still unemployed tier II exhaustee would be able to receive tier III benefits.

Tier IV EUC08 Eligibility Requirements

Exhausted Tier I, Tier II, and Tier III EUC08 Benefits

The right to tier I, tier II, and tier III EUC08 benefits must be exhausted to be eligible for the tier IV EUC08 benefits.

At or After the Period of Tier III EUC08 Exhaustion, the State Must Currently Have at Least 8.5% Unemployment Rate

The individual must have worked in a state with unemployment currently of at least 8.5% or an IUR of at least 5%. If the state's unemployment rate meets one of these conditions, a (still) unemployed tier III benefit exhaustee would be eligible for tier IV benefits at that time.

Each Monday, the Department of Labor issues its "Emergency Unemployment Compensation Trigger Notice" at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. If the status column for tier IV benefits within the notice is "on" for a particular state's row, that state is considered to be high unemployment for the purposes of EUC08.

No Retroactive Payments If State Triggers Back on to Tier IV

No retroactive EUC08 payments exist for the period during which the individual had exhausted tier IV benefits but the state did not meet the tier IV high unemployment criteria. However, once a state reaches the 8.5% level (and it has been at least 13 weeks since the state triggered off of tier IV), a still unemployed tier III exhaustee would be able to receive benefits.

Retroactive Payments for Periods of Unemployment from May 29, 2010, to July 22, 2010

P.L. 111-205 contained language that retroactively, continuously authorized the EUC08 program. Individuals who did not receive EUC08 for the May 29, 2010-July 22, 2010 period—on account of the temporary lack of authorization—will retroactively be eligible for benefits for that period. The DOL has updated its trigger notices to reflect the retroactive continuous authorization of the EUC08 program.

The Extended Benefit Program

The EUC08 program should not be confused with the similarly named Extended Benefit (EB) program.¹¹ The EUC08 program is temporary and tiers I and II apply to all states (tier III and IV availability depends on unemployment conditions within each state). The EB program is permanently authorized and applies only to certain states on the basis of state unemployment conditions as specified in law.

Each Monday the Department of Labor issues its "Extended Benefit Trigger Notice" at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. If the "available weeks" column within the notice has either 13 or 20 for a particular state's row, that extended benefit program is active in that state with a potential of up to 13 or 20 weeks of EB for its unemployed workers.

When economic conditions in a state no longer meet the criteria for extended benefits, the EB program becomes inactive. There is no "grandfathering" of the EB benefit. When a state EB program becomes inactive, payment of all EB benefits stops immediately.

EB Program is Permanently Authorized

The EB program is permanently authorized by the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), P.L. 91-373 (26 U.S.C. 3304, note). The EB program provides for additional weeks of unemployment benefits, up to a maximum of 13 weeks during periods of high unemployment and, at the option of each state, up to a maximum of 20 weeks in certain states with extremely high unemployment.

EB Program Financing

Under EUCA, EB benefits are funded half (50%) by the federal government through an account for that purpose in the Unemployment Trust Fund (UTF). States fund half (50%) through their state accounts in the UTF.¹²

The American Economic Recovery and Investment Act of 2009, P.L. 111-5, provided for 100% federal financing of the EB program through December 31, 2009 (through the Extended Unemployment Compensation Account within the Unemployment Trust Fund). P.L. 111-118 extended the 100% financing for an additional two months, until February 28, 2010. P.L. 111-144 and P.L. 111-157 further extended 100% federal financing of the EB program through April 5, 2010, and June 2, 2010, respectively. Most recently, P.L. 111-205 extended the 100% financing through November 30, 2010. For individuals who began to receive extended benefits on December 1, 2010, 100% federal financing would continue for the length of receipt of the

¹¹ For a detailed description of the EB program, see CRS Report RL33362, *Unemployment Insurance: Available Unemployment Benefits and Legislative Activity*, by Katelin P. Isaacs, Julie M. Whittaker, and Alison M. Shelton.

¹² States that do not require a one-week UC waiting period, or have an exception for any reason to the waiting period, pay 100% of the first week of EB. Twenty-five states, including Rhode Island and North Carolina, do not require a one-week UC waiting period in all cases. P.L. 110-449 temporarily suspended the waiting week requirement for federal funding, and the American Economic Recovery and Investment Act of 2009 would continue this suspension until the week ending before November 6, 2010.

extended benefits, even if these benefits continue to be paid after December 1, 2010.¹³ For extended benefit payments that start after December 1, 2010, benefits would again be funded 50% by the states and 50% by the federal government.

EUC08 and EB Interactions

Which Benefit is Paid First?

The EUC08 program allows states to determine which benefit is paid first. Thus, states may choose to pay EUC08 before EB or vice versa. Alaska is the only state that has opted to pay EB before EUC08 benefits.

An exception to the payment order may be made in a state that has elected to pay EUC08 first, if an individual claimed EB for at least one week of unemployment after the exhaustion of EUC08 prior to the enactment P.L. 111-92. The amendments contained within P.L. 111-92 give states the option of paying EB to an otherwise eligible individual prior to the payment of any EUC08 benefits that are payable on account of the Worker Assistance Act amendments to the EUC08 program (or vice versa in the case of Alaska).

Legislation in the 111th Congress

P.L. 111-5

The American Economic Recovery and Reinvestment Act (P.L. 111-5) extended the EUC08 program through December 26, 2009. The stimulus bill also provided for supplementary payments of \$25 per week to all forms of unemployment compensation, including the EUC08 benefit, through the end of 2009. Until February 16, 2009, the EUC08 program was financed with funds within the UTF. However, with the passage of P.L. 111-5, the EUC08 benefit is now 100% federally funded from general funds within the U.S. Treasury. The \$25 weekly supplemental benefit is also funded from the general funds of the U.S. Treasury.

P.L. 111-92

On September 22, 2009, the House of Representatives passed H.R. 3548. The bill would have created a third tier of EUC08 benefits. Workers in states with a total unemployment rate of at least 8.5% would have been eligible for up to an additional 13 weeks of EUC08 benefits, for a total of 46 weeks of EUC08 benefits. The bill also contained provisions that would have authorized an additional year of the 0.2% FUTA surtax (approximately \$14 per worker, paid by employers); would have required employers to report the first day of earnings of a new worker to the National Directory of New Hires; and would have amended the Internal Revenue Code to allow states to reduce the federal income tax overpayment for individuals who had been found to owe a covered UC debt regardless of whether the state recovering the funds and the state in which the individual lived were one in the same.

¹³ For more information on temporary changes to the EB program under the American Economic Recovery and Investment Act of 2009, see CRS Report RL33362, *Unemployment Insurance: Available Unemployment Benefits and Legislative Activity*.

The Senate amended H.R. 3548. The amendment created an additional (new "second") tier of up to 14 weeks of benefits, without regard to state unemployment rates. The amendment also created a new third tier of up to an additional 13 weeks of EUC08 benefits in states with unemployment rates of at least 6%, and a new fourth tier of up to an additional six weeks of EUC08 benefits in states with unemployment rates of at least 8.5%. Other measures included in the proposal concerned eligibility for food stamp payments (benefit eligibility and determination would not consider the \$25 additional federal unemployment benefit established in ARRA legislation); railroad workers (who have their own unemployment insurance system) would receive approximately the same increase in potential benefits; and the authorization of the 0.2% FUTA surtax is extended through 2010 and the first six months of calendar year 2011.

The House voted on and passed the Senate version of H.R. 3548 on November 5, 2009. The President signed the bill into law, as P.L. 111-92, on November 6, 2009.

P.L. 111-118

On December 21, 2009, the President signed P.L. 111-118, the Department of Defense Appropriations Act of 2010, into law. P.L. 111-118 extended the availability of EUC08 benefits for two months, through the end of February 2010. It also extended the \$25 Federal Additional Compensation (FAC) benefit and 100% federal EB financing through February 28, 2010.

P.L. 111-144

On March 2, 2010, the President signed P.L. 111-144, the Temporary Extension Act of 2010. P.L. 111-144 extends three temporary provisions through April 5, 2010: EUC08, the \$25 FAC supplemental weekly benefit, and 100% federal EB financing.

P.L. 111-157

On April 15, 2010, the President signed P.L. 111-157, the Continuing Extension Act of 2010, into law. P.L. 111-157 extends the availability of EUC08, 100% federal financing of EB, and the \$25 FAC benefit until the week ending on or before June 2, 2010.

P.L. 111-205

On July 22, 2010, the President signed P.L. 111-205, the Unemployment Compensation Extension Act of 2010, into law. P.L. 111-205 extended the availability of EUC08 and 100% federal financing of EB until the week ending on or before November 30, 2010. It did not extend the \$25 FAC benefit, which expired June 2, 2010.

Proposals to Expand or Extend the EUC08 Benefit

The most recent version of H.R. 4853, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, would extend the authorization of the EUC08 program until January 3, 2012, and the 100% federal financing of the EB program until January 4, 2012. H.R. 4853 also contains a provision that would allow states to use three-year lookback calculations in their mandatory IUR and optional TUR triggers (rather than the two-year lookback calculations under current law) to trigger on or keep on a period of EB benefits if they would otherwise trigger off or not be on a period of EB benefits.

On November 30, 2010, S. 3990, the Emergency Unemployment Benefits Extension Act of 2010, was introduced. S. 3990 would also extend the authorization of the EUC08 program until January 3, 2012, and the 100% federal financing of the EB program until January 4, 2012. S. 3990 includes the same provision to allow states to use three-year lookback calculations in their mandatory IUR and optional TUR EB triggers, as described above. Additionally, S. 3990 includes a provision that offsets spending proposed in the bill with unobligated balances from appropriated discretionary funds.

S. 3981, the Unemployment Insurance Stabilization Act of 2010, was introduced on November 29, 2010. Like H.R. 4853 and S. 3990, S. 3981 would extend the authorization of the EUC08 program until January 3, 2012, and the 100% federal financing of the EB program until January 4, 2012. S. 3981 would also allow states to use the three-year lookback calculations, as described above, in their mandatory IUR and optional TUR triggers.

On November 17, 2010, the Emergency Unemployment Compensation Continuation Act, H.R. 6419, was introduced in the House. H.R. 6419 would extend the authorization of the EUC08 program until February 28, 2011, and the 100% federal financing of the EB program until March 1, 2011. Like S. 3990 and S. 3981, H.R. 6419 contains a provision that would allow states to use three-year lookback calculations in their mandatory IUR and optional TUR triggers.

Introduced in the House on September 29, 2010, H.R. 6340 would change the TUR trigger threshold for tier IV of EUC08 benefits. Under current law, the TUR threshold for tier IV is set at 8.5%; states must have an unemployment rate of at least 8.5% in order to provide tier IV EUC08 benefits. H.R. 6340 would lower this tier IV threshold to 7%.

S. 3706, the Americans Want to Work Act, was introduced on August 4, 2010. S. 3706 would create an additional tier of EUC08 benefits. As proposed by S. 3706, this new tier of EUC08 would provide up to 20 weeks of additional unemployment benefits to eligible individuals who worked in states with an average total unemployment rate of at least 7.5%.

On August 10, 2010, H.R. 6091, the Emergency Unemployment Compensation Extension Act of 2010, was introduced. H.R. 6091 would create a tier V of up to 20 additional weeks of EUC08 benefits available to eligible individuals in states with an average total unemployment rate of at least 10%.

The House passed H.R. 5618, the Restoration of Emergency Unemployment Compensation Act of 2010, on July 1, 2010. H.R. 5618 would extend the availability of EUC08 and 100% federal financing of EB through the end of November 2010. There is, however, no extension of the weekly \$25 FAC benefit in this bill. H.R. 5618 does contain a provision that requires states not to reduce weekly unemployment benefits in order to be eligible for EUC08 funds. No spending offsets are included in H.R. 5618.

S. 3520, the Unemployment Insurance Extension Act of 2010, was introduced on June 22, 2010. S. 3520 would extend EUC08, 100% federal financing of EB, and the weekly \$25 FAC benefit through December 2010. It does not contain any spending offsets or provisions related to restrictions on unemployment benefit reductions by states.

On June 30, 2010, H.R. 5647, the Responsible COBRA, Unemployment, and Poverty Extension Act, was introduced. H.R. 5647 would extend the availability of EUC08 and 100% federal financing of EB through the end of September 2010. It would not extend the weekly \$25 FAC

benefit or require states not to reduce weekly unemployment benefits in order to receive EUC08 funds. In addition, H.R. 5647 includes a provision that fully offsets spending proposed in the bill with unobligated balances from P.L. 111-5, the American Recovery and Reinvestment Act of 2009.

S. 3551, the Fiscally Responsible Relief for Our States Act of 2010, also introduced on June 30, 2010, would extend the availability of EUC08 and 100% federal financing of EB through the end of November 2010. This bill does not contain an extension of FAC or a requirement that states not reduce weekly unemployment benefits in order to be eligible for EUC08 funds. S. 3551 does propose spending offsets, including the use of unobligated balances from P.L. 111-5.

S. 2831 would extend the authorization of the EUC08 program through December 2010. It also would extend the FAC benefit as well as the 100% federal financing for EB through December 2011. The bill would also allow the unemployed to opt to continue to receive their remaining EUC08 entitlements rather than reapply for UC at the end of their benefit year. It would also suspend the federal taxation of the first \$2,400 of unemployment benefits through 2010. S. 2831 would also require the U.S. Department of Labor to conduct a study on the implementation of the EUC08 program. Additionally, S. 2831 provides 100% federal financing for short-time compensation benefits through 2011.

On December 16, 2009, the House of Representatives approved H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, to extend the availability of EUC08, 100% federal financing of EB, and the \$25 FAC benefit, through the end of June 2010. The Senate-passed version of H.R. 2847 contained no comparable provisions. On March 4, 2010, the House passed an amended version of the Senate amended version of H.R. 2847. H.R. 2847, as amended, does not contain any unemployment insurance provisions.

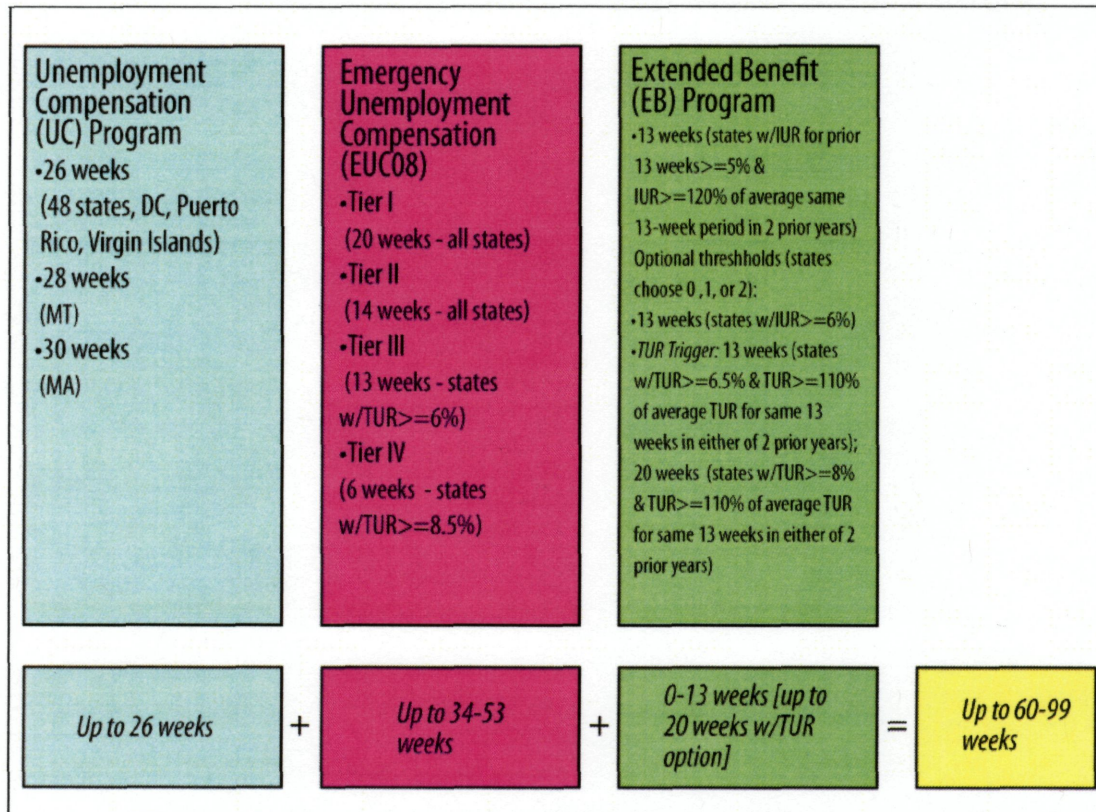
Several other bills would extend or expand the EUC08 program. S. 1699, introduced on September 23, 2009, is similar to the original version of H.R. 3548. H.R. 3404 and S. 1647 would both extend the EUC08 program through 2010. They also would create a third tier of benefits, providing up to an additional 13 weeks of EUC08 benefits for states with high unemployment rates (9% and 8.5%, respectively).

H.R. 4183 would extend the authorization of the EUC08 program, the FAC benefit, and the 100% federal financing for EB through March 2011. Additionally, it provides 100% federal financing for short-time compensation benefits through 2011.¹⁴

¹⁴ For information on short-time compensation programs, see CRS Report R40689, *Compensated Work Sharing Arrangements (Short-Time Compensation) as an Alternative to Layoffs*, by Alison M. Shelton.

Appendix. Unemployment Insurance Benefits

Figure A-1. Unemployment Insurance: Available Unemployment Benefits



Source: CRS.

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