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ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-08, Change 5

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES
Assistant Secretary

SUBJECT: Emergency Unemployment Compensation, 2008 (EUC08) - Program Expansion; EUC08 Second-Tier Expansion, and new EUC08 Third and Fourth-Tiers for States with Certain Levels of High Unemployment

1. Purpose. To advise states of further expansion of the EUC08 program and to provide operating and reporting instructions for implementation and administration.

2. References. The Worker, Homeownership, and Business Assistance Act of 2009 (Worker Assistance Act), Public Law No. 111-92, enacted on November 6, 2009, and Unemployment Insurance Program Letter (UIPL) Nos. 23-08 and 23-08, Changes 1, 2, 3, and 4.

3. Summary. The Worker Assistance Act expands the EUC08 program, for weeks of unemployment beginning after November 6, 2009, in the following ways:

   - It increases the maximum EUC08 Second-Tier entitlement from 13 weeks to 14 weeks of benefits in all states, and this Tier is no longer triggered on by a state reaching a specified rate of unemployment;
   - It creates an EUC08 Third-Tier providing up to 13 additional weeks of benefits (for a total of up to 47 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 4 percent or a three-month average total unemployment rate of at least 6 percent;
   - It creates an EUC08 Fourth-Tier providing up to 6 additional weeks of benefits (for a total of up to 53 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 6 percent or a three-month average total unemployment rate of at least 8.5 percent.

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In addition, there are two provisions regarding the coordination of benefits:

- A state may continue to pay Extended Benefits (EB), prior to EUC08 under the amendments made by the Worker Assistance Act, to individuals who were in EB claims status at the time of enactment of that Act, notwithstanding the state's prior election to pay EUC08 before EB.
- If a state determines that implementation of the increased entitlement to EUC08 Second-Tier (i.e., 13 to 14 weeks) would unduly delay prompt payment of EUC08, the state may elect to pay EUC08 Third-Tier prior to payment of the increased amount of EUC08 Second-Tier until such time as the state determines that the increased EUC08 Second-Tier may be paid without undue delay.

The expiration date and phase-out period described in UIPL No. 23-08, Change 4 has not changed. However, in applying the phase out, states will need to take into account that EUC08 Second-Tier no longer has a trigger and, for affected states, take into account the new EUC08 Third and Fourth-Tiers. Accordingly, if an individual exhausts EUC08 First-Tier on or before December 31, 2009, the individual may qualify for EUC08 Second-Tier. Further, if an individual exhausts EUC08 Second-Tier or Third-Tier on or before December 31, 2009, the individual may qualify for the next higher Tier, if an EUC08 Third-Tier or Fourth-Tier period (whichever is appropriate) is either then in effect or subsequently triggers "on" (even if that period triggers "on" after December 31, 2009). However, an individual may not move to the next (a higher) Tier if s/he exhausts an EUC08 Tier after December 31, 2009. (In states where the week ending date is a Saturday, the last week of potential eligibility would be the week ending December 26, 2009.)

4. Interpretation. The instructions in this document are issued to the states and cooperating state agencies as guidance provided by the Department in its role as the principal in the EUC08 program. States may not deviate from the operating instructions without the prior approval of the Department. The interpretations, policies, and procedures issued in this document supersede those previously issued in UIPL Nos. 23-08 and 23-08, Changes 1, 2, 3, and 4 to the extent of any inconsistencies.

5. EUC08 Agreements. The EUC08 program is administered through voluntary agreements between states and the U.S. Department of Labor. All states have agreements with the Secretary of Labor to administer the program and the existing agreements remain in effect; no new agreements are necessary.

6. Guidance. This document provides a set of questions and answers regarding the expansion of the EUC08 program and sets forth additional operating and reporting instructions to guide states in implementing and administering the program.

7. Notification. States must identify and notify all individuals who are potentially eligible for the additional or new entitlement to EUC08 Second-Tier. In addition, affected states must identify and notify individuals who are potentially eligible for EUC08 Third-Tier and EUC08 Fourth-Tier benefits. Also, states must ensure public knowledge of the program's expansion by notifying appropriate news media.

8. Action Requested. Administrators are requested to provide this information and instructions to the appropriate staff.

9. Inquiries. Direct questions to the appropriate Regional Office.

10. Attachment. Attachment A – Questions and Answers on the EUC08 Program Expansion

Attachment B – Worker, Homeownership, and Business Assistance Act of 2009

Attachment A to UIPL No. 23-08—Change 5
Questions and Answers on the EUC08 Program Expansion

A. Overview of Key Provisions of the Worker Assistance Act

1. Question: What is the first week payable under the changes made by the Worker Assistance Act?

   Answer: The first full week of unemployment following the enactment of the bill (November 6, 2009). In most states, where the week of unemployment begins on a Sunday, this would be the week of November 8, 2009.

2. Question: What rate of unemployment must be reached in the state(s) for each EUC08 Tier to be paid?

   Answer: EUC08 First and Second-Tier require no threshold rate of unemployment that must be reached; EUC08 First-Tier and EUC08 Second-Tier are available in all states.

   EUC08 Third-Tier is available in states with a 13-week insured unemployment rate (IUR) of at least 4 percent or a three-month seasonally adjusted total unemployment rate (TUR) of at least 6 percent. (Henceforth, all references to the IUR and TUR take into account the 13-week/three-month periods.)

   EUC08 Fourth-Tier requires that the state has an IUR of at least 6 percent or a TUR of at least 8.5 percent.

3. Question: What is the maximum number of weeks of benefits available for each Tier of EUC08?

   Answer: The EUC08 First-Tier maximum remains 20 weeks. The EUC08 Second-Tier maximum is increased to 14 weeks. The EUC08 Third-Tier maximum is 13 weeks. The EUC08 Fourth-Tier maximum is 6 weeks.

4. Question: How will states calculate the individual's entitlement for each Tier of EUC08?

   Answer: EUC08 First-Tier entitlement remains the lesser of 20 times the individual's average weekly benefit amount (WBA) or 80 percent of the individual's total amount of regular compensation (i.e., the individual's maximum benefit amount (MBA)).

   EUC08 Second-Tier is now the lesser of 14 times the individual's average WBA or 54 percent of the individual's MBA.

   EUC08 Third-Tier is the lesser of 13 times the individual's average WBA or 50 percent of the individual's MBA.

   EUC08 Fourth-Tier is the lesser of 6 times the individual's average WBA or 24 percent of the individual's MBA.

5. Question: What is the order of payment when a claimant has not exhausted Extended Benefits (EB), but becomes eligible for EUC08 under an amendment made by the Worker Assistance Act?

   Answer: When an individual claimed EB for at least one week of unemployment after the exhaustion of EUC08 First-Tier prior to enactment of the Worker Assistance Act,

states have the option (notwithstanding an election to pay EUC08 prior to EB) of paying EB to an otherwise eligible individual prior to the payment of any EUC08 to which the individual becomes entitled by reason of these amendments. Alternatively, the states may pay EUC08 before any remaining EB entitlement. However, if a state is no longer in an EB period after the individual exhausts EUC08 entitlement, the individual will be ineligible for the remaining EB.

6. Question: How is an individual's EUC08 entitlement affected when a state triggers "off" an EUC08 Third or Fourth-Tier period?

   Answer: As with the (prior) EUC08 Second-Tier under prior guidance, triggering "off" does not affect the individual's remaining EUC08 entitlement (the Tier under which benefits are being paid). However, no payments may be made for any week of unemployment beginning after May 31, 2010.

B. Notifications to Potentially Eligible Individuals and the Media

1. Question: What are the state's responsibilities to identify and notify individuals about the EUC08 program expansion?

   Answer: States must identify and notify all individuals who are potentially eligible for additional EUC08 Second-Tier, or newly eligible for EUC08 Second-Tier, benefits. In addition, affected states must identify and notify individuals who are potentially eligible for EUC08 Third-Tier and Fourth-Tier benefits.

2. Question: What must states do to notify the media of the EUC08 program expansion?

   Answer: States must ensure public knowledge of the expansion of the program by notifying appropriate news media having coverage throughout the state.

C. EUC08 Second-Tier Expansion/Changes

1. Question: What has changed regarding EUC08 Second-Tier?

   Answer: There are two significant changes to the EUC08 Second-Tier entitlement. EUC08 Second-Tier is available to eligible claimants in all states; there is no longer any unemployment rate threshold. Secondly, the maximum entitlement of EUC08 Second-Tier has been increased to the lesser of 14 times the claimant's WBA or 54 percent of the claimant's MBA.

2. Question: What are the requirements concerning calculation of the EUC08 Second-Tier?

   Answer: States must recalculate the Second-Tier entitlement when the claimant next files a continued claim for EUC08 Second-Tier or when a Second-Tier exhaustee reopens his/her EUC08 claim. In those states that did not meet the previous requirements to trigger "on" to EUC08 Second-Tier, the state(s) will calculate Second-Tier entitlement as provided above (question C. 1.) for eligible claimants.

3. Question: When a state has determined that payment of the additional entitlement of EUC08 Second-Tier benefits cannot be made without undue delay, how long does the state have to make this payment?

   Answer: The state will make any necessary programming or procedural changes as soon as possible to make payment of the final week of EUC08 Second-Tier. States should

note that the Worker Assistance Act does not allow a state to make payment of EUC08 Fourth-Tier prior to the payment of the final week of EUC08 Second-Tier (if the state elects to pay EUC08 Second-Tier after EUC08 Third-Tier).

4. Question: May individuals receive the "extra" week of EUC08 Second-Tier benefits for weeks of unemployment occurring prior to the effective date of the expansion?

   Answer: No. The increased EUC08 Second-Tier benefits are payable only for weeks of unemployment beginning after the date of the enactment of the Worker Assistance Act, which is November 6, 2009.

5. Question: A recalculated EUC08 Second-Tier entitlement results in a dollar figure that is not an even dollar (e.g., $4,283.34) for the total entitlement of EUC08 Second-Tier. How should this situation be handled?

   Answer: When the recalculated amount is not an even dollar figure for the total entitlement of EUC08 Second-Tier, the state will round either up or down to the nearest dollar according to the individual state law. (The amount of $4,283.34 will be $4,283.00 in a state that rounds down or $4,284.00 in a state that rounds up.)

6. Question: The maximum entitlement results in a final payment that is not a full WBA payment. How must the state handle this situation?

   Answer: If the calculation does not result in a full WBA payment and the state is in a EUC08 Third-Tier period, the state will augment the EUC08 Second-Tier final payment with EUC08 Third-Tier entitlement. If the state is not in an EUC08 Third-Tier period, the state will issue the final (partial) payment, which will be the remaining balance in the individual's EUC08 Second-Tier "account" (that is, the remaining entitlement).

7. Question: May a state augment an individual's EUC08 account with Second-Tier benefits as soon as the individual enters the EUC08 First-Tier?

   Answer: No. The state may only augment an individual's EUC08 account with Second-Tier benefits after the individual exhausts EUC08 First-Tier.

8. Question: When the amount remaining in an individual's EUC08 Second-Tier account is less than the full WBA and the state is in an EUC08 Third-Tier period, is EUC08 Third-Tier payable for the same week?

   Answer: Yes. When the amount remaining in an individual's EUC08 Second-Tier account is less than the full WBA, the claimant exhausts that Second-Tier. Therefore, EUC08 Third-Tier is payable for the same week, the week of EUC08 Second-Tier exhaustion. EUC08 Third-Tier will augment the EUC08 account to allow for the payment of an amount equal to the original weekly benefit amount.

D. EUC08 Third-Tier

1. Question: In which states will EUC08 Third-Tier benefits be available?

   Answer: EUC08 Third-Tier is available to individuals in states where either the IUR is at least 4.0 percent or the TUR is at least 6.0 percent.

   Note: Trigger notices are posted each week at the following Website address:

   http://workforcesecurity.doleta.gov/unemploy/claims_arch.asp

2. Question: How many weeks of benefits are available in EUC08 Third-Tier?

   Answer: EUC08 Third-Tier will provide up to 13 additional weeks of benefits to individuals who have exhausted all rights to EUC08 Second-Tier benefits.

3. Question: Must the state pay the new increased entitlement of EUC08 Second-Tier prior to the payment of EUC08 Third-Tier?

   Answer: If a state determines that implementation of the increased entitlement to the EUC08 Second-Tier would unduly delay prompt payment of EUC08, the state may elect to pay EUC08 Third-Tier prior to payment of the increased amount of EUC08 Second-Tier until such time as the state determines that the increased EUC08 Second-Tier may be paid without undue delay.

   Note: In states making an election to delay payment of the new additional entitlement for EUC08 Second-Tier, the exhaustion date of the increased EUC08 Second-Tier amount or the exhaustion date of the EUC08 Third-Tier, whichever is later, will be used to determine whether an individual's EUC08 account may be subsequently augmented for EUC08 Fourth-Tier, if the state is triggered "on" to a Fourth-Tier.

4. Question: How is an individual's EUC08 Third-Tier entitlement affected when a state triggers "off" a EUC08 Third-Tier period?

   Answer: As with the EUC08 Second-Tier, triggering "off" does not affect the individual's <u>remaining</u> EUC08 Third-Tier entitlement (the Tier under which benefits are being paid). However, no Third-Tier payments may be made for any week of unemployment beginning after May 31, 2010.

5. Question: When may an individual qualify for EUC08 Third-Tier?

   Answer: An individual may qualify for the EUC08 Third-Tier when the individual has exhausted EUC08 Second-Tier, unless this exhaustion occurs after December 31, 2009. An individual may qualify for the EUC08 Third-Tier if the individual exhausts the EUC08 Second-Tier on or before December 31, 2009, the state is in an EUC08 Third-Tier period in the state and the EUC08 program has not ended.

   An individual who exhausts the EUC08 Second-Tier following the end of an EUC08 Third-Tier period will <u>not</u> be eligible for EUC08 Third-Tier unless the state again triggers "on" a EUC08 Third-Tier period.

6. Question: If the state is currently in an EB period and the claimant is still receiving EUC08 Second-Tier (therefore s/he is not in EB status), will the state be required to pay EB before the payment of EUC08 Third-Tier after the claimant exhausts EUC08 Second-Tier?

   Answer: No. The state may pay either EUC08 or EB depending on which program benefits the state has elected to pay first.

7. Question: When the amount remaining in an individual's EUC08 Second-Tier account is less than the full WBA and the state is in a EUC08 Third-Tier period, is EUC08 Third-Tier payable for the same week?

   Answer: Yes. When the amount remaining in an individual's EUC09 Second-Tier account is less than the full WBA, the claimant exhausts that Second-Tier. Therefore,

EUC08 Third-Tier is payable for the same week, the week of EUC08 Second-Tier exhaustion. EUC08 Third-Tier will augment the EUC08 account to allow for the payment of an amount equal to the original WBA.

8. Question: May a state augment an individual's EUC08 account with Third-Tier benefits as soon as the state enters into an EUC08 Third-Tier period?

   Answer: No. The state may only augment an individual's EUC08 account with Third-Tier benefits after the individual exhausts EUC08 Second-Tier. The Worker Assistance Act requires the exhaustion of EUC08 Second-Tier (except for the delay in the payment of the week added in the Act) prior to the augmentation of EUC08 Third-Tier.

   Note: If a state had elected to pay EB prior to EUC08, any EB entitlement must be exhausted before augmenting the individual's EUC08 account.

E. EUC08 Fourth-Tier

1. Question: Who may qualify for EUC08 Fourth-Tier?

   Answer: The EUC08 Fourth-Tier is available to eligible individuals in states where either the IUR is at least 6.0 percent or the TUR is at least 8.5 percent.

2. Question: How many weeks of benefits are available in EUC08 Fourth-Tier?

   Answer: EUC08 Fourth-Tier will provide up to 6 additional weeks of benefits to individuals who have exhausted all rights to EUC08 Second-Tier and Third-Tier.

3. Question: When may an individual qualify for the EUC08 Fourth-Tier?

   Answer: An individual may qualify for EUC08 Fourth-Tier only if the individual exhausts the EUC08 Third-Tier on or before December 31, 2009, the state is in an EUC08 Fourth-Tier period, and the EUC08 program has not ended.

4. Question: May a state augment an individual's EUC08 account with EUC08 Fourth-Tier as soon as the state enters into an EUC08 Fourth-Tier period?

   Answer: No. The state may only augment an individual's EUC08 account with Fourth-Tier benefits after the individual exhausts EUC08 Third-Tier (or EUC08 Second-Tier, if it was paid after EUC08 Third-Tier - see question # 3 under the EUC08 Third-Tier section of this Attachment).

5. Question: When the amount remaining in an individual's EUC08 Third-Tier account is less than the full WBA and the state is in an EUC08 Fourth-Tier period, is EUC08 Fourth-Tier payable for the same week?

   Answer: Yes. When the amount remaining in an individual's EUC08 Third-Tier account is less than the full WBA, the claimant exhausts that Third-Tier. Therefore, EUC08 Fourth-Tier is payable for the same week, the week of EUC08 Third-Tier exhaustion. EUC08 Fourth-Tier will augment the EUC08 account to allow for the payment of an amount equal to the original weekly benefit amount.

6. Question: How is the individual's EUC08 Fourth-Tier entitlement affected when the state triggers "off" an EUC08 Fourth-Tier period?

   Answer: As with the other EUC08 Tiers, triggering "off" does not affect the individual's <u>remaining</u> EUC08 Fourth-Tier entitlement (the Tier under which benefits are being paid).

However, no Fourth-Tier payments may be made for any week of unemployment beginning after May 31, 2010.

F. Multiple Claims and Order of Payment

1. Question: If there are two (or more) EUC08 claims, which one is paid first?

   Answer: The oldest EUC08 claim is paid first. The order of payment will follow the same rules established in UIPL No. 23-08, Change 1, (see item number D.7). See also UIPL No. 23-08, Change 3 - Questions and Answers in Section D about multiple EUC08 claims.

G. EUC08 Reporting Instructions

1. Question: What changes will states need to make for EUC08 reporting?

   Answer: EUC08 reporting instructions are unchanged except as described below.

   States should continue to report EUC08 First and Second-Tier activity as they have done previously. The first reports on EUC08 Third and Fourth-Tier activity should be transmitted by states on the ETA 539 reflecting unemployment for the week ending November 14, 2009 and on the November ETA 5159 report due in mid-December 2009.

   a. ETA 5159. Claims and payment activities for EUC08 First and EUC08 Second-Tier, which now allow up to 34 weeks of benefits, will continue to be reported as they were previously. Claims and payment activities for the new Third and Fourth-Tiers of EUC08 will be reported separately in new sections of the ETA 5159. Continued weeks claimed should still be reported in aggregate for all tiers in section A, lines 201, 202 and 203.

      i. EUC08 First-Tier. There should be no changes to EUC08 First-Tier reporting as a result of these modifications.

      ii. EUC08 Second-Tier. For those states that have not previously paid EUC08 Second-Tier benefits, follow existing instructions for EUC08 Second-Tier reporting. For those claimants who have already been recorded as having received a final payment in the Second-Tier of EUC08, states should not remove or modify any prior reporting of final pays when they enhance the Second-Tier as described in this UIPL; states should maintain existing final payment data. States should report the number of monetary redeterminations that were conducted to add the additional week to the Second-Tier separately in the comments section and label it as "EUC08 Second-Tier final weeks = " followed by the number.

      iii. EUC08 Third-Tier. A new Section D, identical to Sections B and C has been added to the report. Only data for claimants who received EUC08 First payments in the EUC08 Third-Tier should be included in this section. Weeks compensated will be reported in columns 34-38 of line 501; benefits paid in columns 34-38 of line 502, and EUC08 first and final payments in columns 39-44 of line 503. EUC08 first payments will represent the number of claimants who received at least one EUC08 Third-Tier payment. Report final payments as the number of claimants issued a payment that exhausts their EUC08 Third-Tier entitlement.

iv. EUC08 Fourth-Tier. A new Section E, which mirrors Sections B, C, and D, has been added to the report. Only data for claimants who received EUC08 First payments in the EUC08 Fourth-Tier should be included in this section. Weeks compensated will be reported in columns 45-49 of line 601; benefits paid in columns 45-49 of line 602, and EUC08 first and final payments in columns 50-55 of line 603. EUC08 first payments will represent the number of claimants who received at least one EUC08 Fourth-Tier payment. Report final payments as the number of claimants issued a payment that exhausts their EUC08 Fourth-Tier entitlement.

b. ETA 539. Total weeks claimed for regular unemployment compensation (UC), Unemployment Compensation for Federal Employees (UCFE), and Unemployment Compensation for Ex-Servicemembers (UCX) for the EUC08 Third and EUC08 Fourth-Tier of the EUC08 program for the report period will be reported separately in the comments section and labeled as "EUC08 Third-Tier" or "EUC08 Fourth-Tier" followed by the number. For example: "EUC08 First-Tier = 239, EUC08 Second-Tier = 186, EUC08 Third-Tier = 317, EUC08 Fourth-Tier = 0."

c. ETA 2112. Although benefit payments resulting from the EUC08 expansion will continue to be funded by General Revenues (GR), they will **NOT** be considered American Recovery and Reinvestment Act (ARRA) payments. As such, EUC08 benefits will need to be aligned with the applicable law which mandated the payments. To accomplish this, total EUC08 benefit payments on line 39, should be broken out in the comments section between ARRA funds and non-ARRA funds. The non-ARRA funds should reflect, for example, non-ARRA=$322,000,000, and ARRA funds should reflect, for example, ARRA=$110,000,000. EUC08 Third-Tier and EUC08 Fourth-Tier benefit payments and any EUC08 Second-Tier benefits are not payable under the prior law.

d. UI-3 Worksheet. States will report on Section B. line 12, labeled "Monetary Redeterminations," the count of redeterminations conducted when a claimant's account is enhanced for entitlement for the Second (14th week), Third or Fourth-Tier of EUC. This includes monetary redeterminations conducted to add the additional week to the Second-Tier.

Office of Management and Budget (OMB) Paperwork Reduction Act. This UIPL does not change the forms listed above but does change some instructions pertinent to their use. To the extent these instructions have changed, ETA is seeking OMB clearance through the Paperwork Reduction Act process for non-substantive changes for ETA 5159 (OMB 1205-0010), ETA 539 (OMB 1205-0028), ETA 2112 (OMB 1205-0154) and ETA UI-3 (OMB 1205-0132). The ETA 5159 also includes new record lines for properly categorizing claimant payment activities. Affected parties will be notified of any changes that may result from this review process.

Attachment B to UIPL No. 23-08—Change 5
The Worker, Homeownership, and Business Assistance Act of 2009

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Worker, Homeownership, and Business Assistance Act of 2009'.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) In General- Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

(1) in paragraph (1)--

(A) in the matter preceding subparagraph (A), by striking If and all that follows through paragraph (2)) and inserting At the time that the amount established in an individual's account under subsection (b)(1) is exhausted';

(B) in subparagraph (A), by striking 50 percent and inserting 54 percent; and

(C) in subparagraph (B), by striking 13 and inserting 14;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) Effective Date- The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) In General- Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

(d) Third-tier Emergency Unemployment Compensation-

(1) IN GENERAL- If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter second-tier emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter third-tier emergency unemployment compensation) equal to the lesser of--

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

(2) EXTENDED BENEFIT PERIOD- For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if--

(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act--

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

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

(B) such a period would then be in effect for such State under such Act if--

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)--

(I) were applied by substituting 6.0' for 6.5' in paragraph (1)(A)(i) thereof; and

(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

(3) LIMITATION- The account of an individual may be augmented not more than once under this subsection.

(b) Conforming Amendment to Non-augmentation Rule- Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

(1) by striking then section 4002(c) and inserting then subsections (c) and (d) of section 4002; and

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

(c) Effective Date- The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) In General- Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

(e) Fourth-tier Emergency Unemployment Compensation-

(1) IN GENERAL- If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter fourth-tier emergency unemployment compensation) equal to the lesser of--

(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

(2) EXTENDED BENEFIT PERIOD- For purposes of paragraph (1), a State shall be

considered to be in an extended benefit period, as of any given time, if--

(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act--

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

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

(B) such a period would then be in effect for such State under such Act if--

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)--

(I) were applied by substituting 8.5 for 6.5 in paragraph (1)(A)(i) thereof; and

(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

(3) LIMITATION- The account of an individual may be augmented not more than once under this subsection.

(b) Conforming Amendment to Non-augmentation Rule- Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended--

(1) by striking and (d) and inserting , (d), and (e) of section 4002; and

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

(c) Effective Date- The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

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

(f) Coordination Rules-

(1) COORDINATION WITH EXTENDED COMPENSATION- Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

(2) COORDINATION WITH TIERS II, III, AND IV- If a State determines that

implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking Act;' and inserting Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;.