

Middle Class Tax Relief and Job Creation Act of 2012

Relevant Statutory Provisions

TITLE II--UNEMPLOYMENT BENEFIT CONTINUATION AND PROGRAM IMPROVEMENT

SEC. 2001. SHORT TITLE.

This title may be cited as the 'Extended Benefits, Reemployment, and Program Integrity Improvement Act'.

Subtitle C--Improving Reemployment Strategies Under the Emergency Unemployment Compensation Program

SEC. 2141. IMPROVED WORK SEARCH FOR THE LONG-TERM UNEMPLOYED.

(a) In General- Section 4001(b) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

- (1) by striking 'and' at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting '; and'; and
- (3) by adding at the end the following:

'(4) are able to work, available to work, and actively seeking work.'

(b) Actively Seeking Work- Section 4001 of such Act is amended by adding at the end the following:

'(h) Actively Seeking Work-

'(1) IN GENERAL- For purposes of subsection (b)(4), the term 'actively seeking work' means, with respect to any individual, that such individual--

'(A) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

'(B) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual's skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;

'(C) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

'(D) when requested, has provided such work search record to the State agency.

'(2) RANDOM AUDITING- The Secretary shall establish for each State a minimum number of claims for which work search records must be audited on a random basis in any given week.'

SEC. 2142. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) Provision of Services and Activities- Section 4001 of such Act, as amended by section 2141(b), is further amended by adding at the end the following:

'(i) Provision of Services and Activities-

'(1) IN GENERAL- An agreement under this section shall require the following:

'(A) The State which is party to such agreement shall provide reemployment services and reemployment and eligibility assessment activities to each individual--

'(i) who, on or after the 30th day after the date of enactment of the Extended

Benefits, Reemployment, and Program Integrity Improvement Act, begins receiving amounts described in subsections (b) and (c); and

`(ii) while such individual continues to receive emergency unemployment compensation under this title.

`(B) As a condition of eligibility for emergency unemployment compensation for any week--

`(i) a claimant who has been duly referred to reemployment services shall participate in such services; and

`(ii) a claimant shall be actively seeking work (determined applying subsection (i)).

`(2) DESCRIPTION OF SERVICES AND ACTIVITIES- The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)--

`(A) shall include--

`(i) the provision of labor market and career information;

`(ii) an assessment of the skills of the individual;

`(iii) orientation to the services available through the one-stop centers established under title I of the Workforce Investment Act of 1998; and

`(iv) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

`(B) may include the provision of--

`(i) comprehensive and specialized assessments;

`(ii) individual and group career counseling;

`(iii) training services;

`(iv) additional reemployment services; and

`(v) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops.

`(3) PARTICIPATION REQUIREMENT- As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate in such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that--

`(A) such individual has completed participating in such services or activities; or

`(B) there is justifiable cause for failure to participate or to complete participating in such services or activities, as determined in accordance with guidance to be issued by the Secretary.!

(b) Issuance of Guidance- Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by subsection (a).

(c) Funding-

(1) IN GENERAL- Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

(A) by striking 'States- There' and inserting the following: 'States-

`(1) ADMINISTRATION- There'; and

(B) by adding at the end the following new paragraph:

`(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES-

`(A) APPROPRIATION- There are appropriated from the general fund of the Treasury, for the period of fiscal year 2012 through fiscal year 2013, out of the employment

security administration account (as established by section 901(a) of the Social Security Act), such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

`(B) DETERMINATION OF TOTAL AMOUNT- The amount referred to in subparagraph (A) is the amount the Secretary of Labor estimates is equal to--

- `(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3); multiplied by
- `(ii) \$85.

`(C) DISTRIBUTION AMONG STATES- Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to--

- `(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3); multiplied by
- `(ii) \$85.'.

(2) TRANSFER OF FUNDS- Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

- (A) in paragraph (1)(G), by striking `and' at the end;
- (B) in paragraph (2), by striking the period at the end and inserting `; and'; and
- (C) by adding at the end the following paragraph:

`(3) to the Employment Security Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).'.

SEC. 2143. PROMOTING PROGRAM INTEGRITY THROUGH BETTER RECOVERY OF OVERPAYMENTS.

Section 4005(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended--

- (1) by striking `may' and inserting `shall'; and
- (2) by striking `except that' and all that follows through `made' and inserting `in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State'.