

BUILDING ON REEMPLOYMENT IMPROVEMENTS TO
DELIVER GOOD EMPLOYMENT FOR WORKERS ACT

NOVEMBER 21, 2023.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. SMITH of Missouri, from the Committee on Ways and Means,
submitted the following

R E P O R T

[To accompany H.R. 5861]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 5861) to extend reemployment services and eligibility assessments to all claimants for unemployment benefits, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Building on Reemployment Improvements to Deliver Good Employment for Workers Act” or the “BRIDGE for Workers Act”.

SEC. 2. ELIGIBILITY FOR REEMPLOYMENT SERVICES.

(a) IN GENERAL.—Section 306(a) of the Social Security Act (42 U.S.C. 506(a)) is amended—

(1) by striking “individuals referred to reemployment services as described in section 303(j)” and inserting “claimants for regular compensation, including claimants referred to reemployment services as described in section 303(j),”; and

(2) by striking “such individuals” and inserting “such claimants”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

I. SUMMARY AND BACKGROUND

A. PURPOSE AND SUMMARY

H.R. 5861, as amended, the “Building Reemployment Improvements to Deliver Good Employment for Workers Act, or BRIDGE for Workers Act,” as ordered reported by the Committee on Ways and Means on November 2, 2023, modifies Reemployment Services and Eligibility Assessment (RESEA) grants to allow states and territories to provide services to any recipient of unemployment insurance benefits who could return to work more quickly, if provided with services. Introduced jointly by Rep. Darin LaHood (R-IL) and Rep. Danny Davis (D-IL), this bill makes a technical correction to the RESEA program to help more unemployed workers get back into the workforce more quickly.

B. BACKGROUND AND NEED FOR LEGISLATION

The Unemployment Insurance (UI) program is a federal-state partnership to provide earned benefits to individuals who lose their job through no fault of their own. RESEA pairs weekly UI benefits with services to improve program integrity and provide workers who might otherwise struggle to find new jobs with tools that help them return to work, such as individualized career counseling, job search help, and local labor market information.

RESEAs can also serve as an entry point to the workforce development system. Rigorous research conducted for the Department of Labor (DOL) found that RESEAs, and in particular, an approach which combined personalized assessment and the provision of reemployment services, were effective in increasing employment and reducing the duration of unemployment benefit receipt.¹ Further research found that claimants were significantly less likely to exhaust their benefits; claimants had significantly shorter UI durations and lower total benefits paid (on average 1.82 fewer weeks and \$536 lower total benefits paid); Claimants were more success-

¹Michaelides et al. “Impact of the Reemployment and Eligibility Assessment (REA) in Nevada.” Impaq International, LLC. https://www.impaqint.com/sites/default/files/files/ETAOP_2012_08_REA_Nevada_Follow_up_Report.pdf.

ful in returning to work sooner, earning higher wages in the measurement period, and retaining their jobs; and every \$1.00 of cost produced \$2.60 of savings.²

Between 2005 and 2018, Congress provided modest appropriated funding for RESEAs, which DOL then used to award grants to states and territories.³ Section 30206 of the Bipartisan Budget Act of 2018 (P.L. 115–123) codified the authority for the DOL to administer the RESEA program in a new Section 306 of the Social Security Act. It also set out various requirements for states to use certain types of evidence-based interventions for UI claimants under RESEA, provided for reasonable notice and accommodations to participating beneficiaries, allocated discretionary funding for RESEA across three categories (base funding, outcome payments, and research and technical assistance), and provided for a funding increase of \$2.5 billion over 10 years. The Congressional Budget Office estimated that if the program were to be fully funded, the new investments would reduce the budget deficit by \$600 million between 2022 and 2027.

Notwithstanding Congressional intent, DOL has interpreted the underlying statute as limiting states to providing reemployment services only to unemployment claimants who are profiled as most likely to exhaust their unemployment benefits before finding work. However, since 2018, appropriations bills have included language to accomplish the change made by this bill, clarifying states may serve any UI claimants through RESEA programs.

In a survey conducted by the National Association of State Workforce Agencies (NASWA), 59 percent of states said they were using the temporary flexibility to serve a wider array of workers. NASWA Board President Jon Pierpont wrote to the Committee:

“Until the passage of the [Bipartisan Budget] Act, federal RESEA had been limited to a widely successful pilot grant program. Today, States around the nation now have the ability to accelerate unemployment insurance (UI) claimants’ transition back to employment faster than non-participants, which is particularly important in an economy desperately in need of skilled workers.

To enhance these efforts, we encourage a minor statutory fix to the Act that reflects your intent to ensure any UI claimant, not just those most likely to exhaust their benefits, are eligible for RESEA services and assessments. The current language in Section 306 of Act needs to be modified to ensure this intent is actualized and while the Appropriations Committee made such a modification in their FY19 Labor-HHS Appropriations bill, a permanent fix would provide clarity and stability for states actively focused on helping claimants return to work expeditiously.”

C. LEGISLATIVE HISTORY

Background

H.R. 5861 was introduced on October 2, 2023, and was referred to the Committee on Ways and Means. The BRIDGE for Workers Act was previously introduced in the 117th Congress by Rep. Darin

²“Reemployment Services and Eligibility Assessment Grants.” Department of Labor. <https://www.dol.gov/agencies/eta/american-job-centers/RESEA>.

³“How States are Using Reemployment Services and Eligibility Assessments.” National Association of State Workforce Agencies. <https://www.naswa.org/news/how-states-are-using-reemployment-services-and-eligibility-assessments-resea-march-27-2019>.

LaHood (R–IL) (H.R. 3154) and in the 116th Congress by Rep. Stephanie Murphy (R–FL) and Rep. Jackie Walorski (R–IN) (H.R. 1759). In the 116th Congress, the bill was marked-up by the Committee on Ways and Means and subsequently passed the House under suspension (393–24) on April 9, 2019.

Committee Hearings

The Committee has held the following hearings:

On February 8, 2023, Committee on Ways and Means held a hearing titled, “The Greatest Theft of Taxpayer Dollars: Unchecked Unemployment Fraud,” to hear from federal oversight officials about fraudulent activity in the UI program and recommendations for improving program integrity.

On September 14, 2023, the Committee held a Member Day hearing in which Rep. Chuck Edwards (R–NC) announced his intention to introduce legislation to strengthen work search and audit requirements in the UI program.

Committee Action

The Committee on Ways and Means marked up H.R. 5861, the “BRIDGE for Workers Act”, on November 2, 2023, and ordered the bill, as amended, favorably reported (with a quorum being present).

D. DESIGNATED HEARING

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop and consider: “The Greatest Theft of Taxpayer Dollars: Unchecked Unemployment Fraud” hearing held on February 8, 2023.

II. EXPLANATION OF THE BILL

REASONS FOR CHANGE

Section 1. The Committee believes the title accurately reflects the content of the bill.

Section 2. The Committee believes that allowing states and territories the flexibility to provide RESEA services to recipients of earned unemployment benefits who could return to work more quickly if provided with additional assistance is cost-effective and will benefit both workers and employers.

EXPLANATION OF PROVISIONS

Section 1. This section provides the short title, Building Reemployment Improvements to Deliver Good Employment for Workers Act or BRIDGE for Workers Act.

Section 2. This section would amend Section 306(a) to define the population eligible for services under RESEA to include all recipients of regular and extended UC benefits, not just regular UC claimants identified through state UI worker profiling. With the change, states would be able to use RESEA funds to assist workers who could return to work more quickly if provided assistance, even if they are not profiled to exhaust all benefits.

EFFECTIVE DATE

The bill would become effective upon enactment.

III. VOTE OF THE COMMITTEE

In compliance with the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means during the markup consideration of H.R. 5861, the “BRIDGE for Workers Act” on November 2, 2023.

H.R. 5861 was ordered favorably reported to the House of Representatives as amended by a roll call vote of 41 yeas to 0 nays (with a quorum being present). The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Smith (MO)	X	.....	.....	Mr. Neal	X	.....	.....
Mr. Buchanan	X	.....	.....	Mr. Doggett	X	.....	.....
Mr. Smith (NE)	X	.....	.....	Mr. Thompson	X	.....	.....
Mr. Kelly	X	.....	.....	Mr. Larson .....	.....	.....	.....
Mr. Schweikert	X	.....	.....	Mr. Blumenauer	X	.....	.....
Mr. LaHood	X	.....	.....	Mr. Pascrell .....	.....	.....	.....
Dr. Wenstrup	X	.....	.....	Mr. Davis	X	.....	.....
Mr. Arrington	X	.....	.....	Ms. Sánchez	X	.....	.....
Dr. Ferguson	X	.....	.....	Mr. Higgins	X	.....	.....
Mr. Estes	X	.....	.....	Ms. Sewell	X	.....	.....
Mr. Smucker	X	.....	.....	Ms. DelBene	X	.....	.....
Mr. Hern	X	.....	.....	Ms. Chu	X	.....	.....
Ms. Miller	X	.....	.....	Ms. Moore	X	.....	.....
Dr. Murphy	X	.....	.....	Mr. Kildee	X	.....	.....
Mr. Kustoff	X	.....	.....	Mr. Beyer	X	.....	.....
Mr. Fitzpatrick	X	.....	.....	Mr. Evans	X	.....	.....
Mr. Steube	X	.....	.....	Mr. Schneider .....	.....	.....	.....
Ms. Tenney	X	.....	.....	Mr. Panetta	X	.....	.....
Mrs. Fischbach	X	.....	.....				
Mr. Moore	X	.....	.....				
Mrs. Steel	X	.....	.....				
Ms. Van Duyne	X	.....	.....				
Mr. Feenstra	X	.....	.....				
Ms. Malliotakis	X	.....	.....				
Mr. Carey	X	.....	.....				

IV. BUDGET EFFECTS OF THE BILL

A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the bill, H.R. 5861, as reported. The estimate prepared by the Congressional Budget Office (CBO) is included below.

B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES BUDGET AUTHORITY

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involves no new or increased budget authority. The Committee states further that the bill involves no new or increased tax expenditures.

V. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

H.R. 5861, BRIDGE for Workers Act			
As ordered reported by the House Committee on Ways and Means on November 2, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5861 would broaden eligibility for reemployment services and eligibility assessments (RESEAs) that are carried out by the Department of Labor (DOL). Current law requires states to provide services to claimants who are likely to exhaust unemployment compensation, but states have broad flexibility in how they determine whether a claimant is likely to exhaust benefits. Beginning in 2019, annual appropriation acts have allowed states to conduct RESEAs for all unemployment claimants without determining that they are likely to exhaust benefits; H.R. 5861 would permanently allow states this flexibility. In 2023, appropriations for RESEAs totaled \$375 million.

CBO expects that under H.R. 5861, states would continue to provide reemployment services to people they believe are likely to exhaust unemployment insurance benefits to meet DOL's requirements for participant outcomes. Using information from DOL, CBO expects that implementing H.R. 5861 would not significantly change the number of people who receive reemployment services and eligibility assessments or the cost of those services. On that basis, CBO estimates that implementing H.R. 5861 would cost less than \$500,000 over the 2024–2028 period; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Meredith Decker. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

VI. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill does not authorize funding, so no statement of general performance goals and objectives is required.

C. INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4).

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

D. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

E. TAX COMPLEXITY ANALYSIS

Pursuant to clause 3(h)(1) of rule XIII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Internal Revenue Code of 1986 and that have “widespread applicability” to individuals or small businesses, within the meaning of the rule.

F. DUPLICATION OF FEDERAL PROGRAMS

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SOCIAL SECURITY ACT

* * * * *

TITLE III—GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION

* * * * *

SEC. 306. GRANTS TO STATES FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.

(a) **IN GENERAL.**—The Secretary of Labor (in this section referred to as the “Secretary”) shall award grants under this section for a fiscal year to eligible States to conduct a program of reemployment services and eligibility assessments for **[individuals referred to reemployment services as described in section 303(j)]** *claimants for regular compensation, including claimants referred to reemployment services as described in section 303(j)*, for weeks in such fiscal year for which **[such individuals]** *such claimants* receive unemployment compensation.

(b) **PURPOSES.**—The purposes of this section are to accomplish the following goals:

(1) To improve employment outcomes of individuals that receive unemployment compensation and to reduce the average duration of receipt of such compensation through employment.

(2) To strengthen program integrity and reduce improper payments of unemployment compensation by States through the detection and prevention of such payments to individuals who are not eligible for such compensation.

(3) To promote alignment with the broader vision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) of increased program integration and service delivery for job seekers, including claimants for unemployment compensation.

(4) To establish reemployment services and eligibility assessments as an entry point for individuals receiving unemployment compensation into other workforce system partner programs.

(c) **EVIDENCE-BASED STANDARDS.**—

(1) **IN GENERAL.**—In carrying out a State program of reemployment services and eligibility assessments using grant funds awarded to the State under this section, a State shall use such funds only for interventions demonstrated to reduce the number of weeks for which program participants receive unemployment compensation by improving employment outcomes for program participants.

(2) **EXPANDING EVIDENCE-BASED INTERVENTIONS.**—In addition to the requirement imposed by paragraph (1), a State shall—

(A) for fiscal years 2023 and 2024, use no less than 25 percent of the grant funds awarded to the State under this section for interventions with a high or moderate causal evidence rating that show a demonstrated capacity to im-

prove employment and earnings outcomes for program participants;

(B) for fiscal years 2025 and 2026, use no less than 40 percent of such grant funds for interventions described in subparagraph (A); and

(C) for fiscal years beginning after fiscal year 2026, use no less than 50 percent of such grant funds for interventions described in subparagraph (A).

(d) EVALUATIONS.—

(1) REQUIRED EVALUATIONS.—Any intervention without a high or moderate causal evidence rating used by a State in carrying out a State program of reemployment services and eligibility assessments under this section shall be under evaluation at the time of use.

(2) FUNDING LIMITATION.—A State shall use not more than 10 percent of grant funds awarded to the State under this section to conduct or cause to be conducted evaluations of interventions used in carrying out a program under this section (including evaluations conducted pursuant to paragraph (1)).

(e) STATE PLAN.—

(1) IN GENERAL.—As a condition of eligibility to receive a grant under this section for a fiscal year, a State shall submit to the Secretary, at such time and in such manner as the Secretary may require, a State plan that outlines how the State intends to conduct a program of reemployment services and eligibility assessments under this section, including—

(A) assurances that, and a description of how, the program will provide—

(i) proper notification to participating individuals of the program's eligibility conditions, requirements, and benefits, including the issuance of warnings and simple, clear notifications to ensure that participating individuals are fully aware of the consequences of failing to adhere to such requirements, including policies related to non-attendance or non-fulfillment of work search requirements; and

(ii) reasonable scheduling accommodations to maximize participation for eligible individuals;

(B) assurances that, and a description of how, the program will conform with the purposes outlined in subsection (b) and satisfy the requirement to use evidence-based standards under subsection (c), including—

(i) a description of the evidence-based interventions the State plans to use to speed reemployment;

(ii) an explanation of how such interventions are appropriate to the population served; and

(iii) if applicable, a description of the evaluation structure the State plans to use for interventions without at least a moderate or high causal evidence rating, which may include national evaluations conducted by the Department of Labor or by other entities; and

(C) a description of any reemployment activities and evaluations conducted in the prior fiscal year, and any data collected on—

(i) characteristics of program participants;

(ii) the number of weeks for which program participants receive unemployment compensation; and

(iii) employment and other outcomes for program participants consistent with State performance accountability measures provided by the State unemployment compensation program and in section 116(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)).

(2) APPROVAL.—The Secretary shall approve any State plan, that is timely submitted to the Secretary, in such manner as the Secretary may require, that satisfies the conditions described in paragraph (1).

(3) DISAPPROVAL AND REVISION.—If the Secretary determines that a State plan submitted pursuant to this subsection fails to satisfy the conditions described in paragraph (1), the Secretary shall—

(A) disapprove such plan;

(B) provide to the State, not later than 30 days after the date of receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that was not approved and the reason for the disapproval of each such portion; and

(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

(f) ALLOCATION OF FUNDS.—

(1) BASE FUNDING.—

(A) IN GENERAL.—For each fiscal year after fiscal year 2020, the Secretary shall allocate a percentage equal to the base funding percentage for such fiscal year of the funds made available for grants under this section among the States awarded such a grant for such fiscal year using a formula prescribed by the Secretary based on the rate of insured unemployment (as defined in section 203(e)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) in the State for a period to be determined by the Secretary. In developing such formula with respect to a State, the Secretary shall consider the importance of avoiding sharp reductions in grant funding to a State over time.

(B) BASE FUNDING PERCENTAGE.—For purposes of subparagraph (A), the term “base funding percentage” means—

(i) for fiscal years 2021 through 2026, 89 percent; and

(ii) for fiscal years after 2026, 84 percent.

(2) RESERVATION FOR OUTCOME PAYMENTS.—

(A) IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State under paragraph (1). Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals

provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

(B) OUTCOME RESERVATION PERCENTAGE.—For purposes of subparagraph (A), the term “outcome reservation percentage” means—

(i) for fiscal years 2021 through 2026, 10 percent; and

(ii) for fiscal years after 2026, 15 percent.

(3) RESERVATION FOR RESEARCH AND TECHNICAL ASSISTANCE.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance to States.

(4) CONSULTATION AND PUBLIC COMMENT.—Not later than September 30, 2019, the Secretary shall—

(A) consult with the States and seek public comment in developing the allocation formula under paragraph (1) and the criteria for carrying out the reservations under paragraph (2); and

(B) make publicly available the allocation formula and criteria developed pursuant to subclause (A).

(g) NOTIFICATION TO CONGRESS.—Not later than 90 days prior to making any changes to the allocation formula or the criteria developed pursuant to subsection (f)(5)(A), the Secretary shall submit to Congress, including to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate, a notification of any such change.

(h) SUPPLEMENT NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would be expended to provide reemployment services and eligibility assessments to individuals receiving unemployment compensation, and in no case to supplant such Federal, State, or local public funds.

(i) DEFINITIONS.—In this section:

(1) CAUSAL EVIDENCE RATING.—The terms “high causal evidence rating” and “moderate causal evidence rating” shall have the meaning given such terms by the Secretary of Labor.

(2) ELIGIBLE STATE.—The term “eligible State” means a State that has in effect a State plan approved by the Secretary in accordance with subsection (e).

(3) INTERVENTION.—The term “intervention” means a service delivery strategy for the provision of State reemployment services and eligibility assessment activities under this section.

(4) STATE.—The term “State” has the meaning given the term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(5) UNEMPLOYMENT COMPENSATION.—The term unemployment compensation means “regular compensation”, “extended compensation”, and “additional compensation” (as such terms

are defined by section 205 of the Federal-State Extended Un-
employment Compensation Act of 1970 (26 U.S.C. 3304 note)).

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