

116TH CONGRESS
2D SESSION

H. R. 6746

To require the Secretary of Labor to establish a program for providing portable benefits to eligible workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2020

Ms. DELBENE (for herself, Mr. FOSTER, Mr. PETERS, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Labor to establish a program for providing portable benefits to eligible workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Benefits
5 for Independent Workers Program Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Many independent workers and workers in
9 alternative work arrangements, constituting a sizable

1 percentage of the workforce in the United States, do
2 not have access to benefits and protections typically
3 provided through traditional full-time employment.

4 (2) Workers in alternative work arrangements
5 include independent contractors, domestic workers,
6 temporary workers, the self-employed, and others in
7 contingent work arrangements.

8 (3) According to a 2017 survey by the Bureau
9 of Labor Statistics, workers in alternative work ar-
10 rangements as their primary form of occupation con-
11 stitute 10.1 percent of the labor force, roughly
12 16,000,000 Americans.

13 (4) In response to the global pandemic caused
14 by the coronavirus, Congress created the temporary
15 Pandemic Unemployment Assistance program under
16 title II of division A of the Coronavirus Aid, Relief,
17 and Economic Security Act (Public Law 116–136)
18 to provide access to unemployment insurance to pre-
19 viously ineligible workers, such as gig workers, free-
20 lancers, and the self-employed.

21 (5) The people of the United States should not
22 need an Act of Congress to have access to essential
23 benefits and protections during the next economic
24 downturn.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **CORONAVIRUS.**—The term “coronavirus”
4 has the meaning given the term in section 506 of the
5 Coronavirus Preparedness and Response Supple-
6 mental Appropriations Act, 2020 (Public Law 116–
7 123).

8 (2) **ELIGIBLE WORK.**—The term “eligible work”
9 means any work performed for pay that is not in
10 connection with traditional full-time employment.

11 (3) **ELIGIBLE WORKER.**—The term “eligible
12 worker” means—

13 (A) any worker who is not a permanent
14 full-time employee of the parent entity hiring
15 the worker for the eligible work, including any
16 independent contractor, contract worker, self-
17 employed individual, freelance worker, or tem-
18 porary worker; and

19 (B) any worker not traditionally eligible
20 for unemployment compensation under the law
21 of the State, including such a worker who has
22 been affected by the coronavirus.

23 (4) **PORTABLE BENEFITS.**—The term “portable
24 benefits”—

25 (A) means work-related benefits that are
26 provided to eligible workers for eligible work in

1 a manner that allows the worker to maintain
2 the benefits upon changing jobs; and

3 (B) includes—

4 (i) contributions on behalf of the eligi-
5 ble worker made by a hiring entity (includ-
6 ing multiple entities, if applicable) in con-
7 nection with eligible work performed by the
8 worker for the entity, including entities
9 that facilitate the sale of such work;

10 (ii) contributions made by the eligible
11 worker;

12 (iii) contributions on behalf of the eli-
13 gible worker made by consumers;

14 (iv) contributions on behalf of the eli-
15 gible worker made by labor organizations
16 or worker advocate non-profit organiza-
17 tions; or

18 (v) a combination of 2 or more of the
19 contributions described in clauses (i), (ii),
20 (iii), and (iv).

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Labor.

23 (6) STATE.—The term “State” means each of
24 the several States of the United States, the District
25 of Columbia, Puerto Rico, American Samoa, the

1 United States Virgin Islands, Guam, the Northern
2 Mariana Islands, and American Samoa.

3 (7) WORKER ADVOCATE NON-PROFIT ORGANI-
4 ZATION.—The term “worker advocate non-profit or-
5 ganization” means an entity—

6 (A) that is an organization described in
7 section 501(e) of the Internal Revenue Code of
8 1986 and exempt from tax under section 501(a)
9 of such Code;

10 (B) for which all actions taken by the or-
11 ganization regarding providing benefits to work-
12 ers are for the sole purpose of maximizing bene-
13 fits to the workers;

14 (C) that is independent from all business
15 entities, organizations, corporations, or individ-
16 uals that would pursue any financial interest in
17 conflict with that of the workers; and

18 (D) that has a board of directors that
19 holds a fiduciary duty to the workers with re-
20 spect to provision of the benefits.

21 (8) WORK-RELATED BENEFITS.—The term
22 “work-related benefits” means benefits of a type
23 that are commonly provided to traditional full-time
24 employees, such as workers’ compensation, paid
25 leave, skills training, disability coverage, health in-

1 (b) FORMULA.—Each State’s allotment under this
2 section shall bear the same relation to the amount avail-
3 able to carry out this section as the population of the State
4 bears to the population of all States.

5 (c) STATE REQUIREMENTS.—

6 (1) PLAN AND IMPLEMENTATION REQUIRE-
7 MENTS.—A State that accepts an allotment under
8 subsection (a) shall agree to—

9 (A) submit a plan for the use of the allot-
10 ment, in accordance with the requirements of
11 subsection (d), by not later than 90 days after
12 receiving the allotment; and

13 (B) fully implement the plan submitted
14 under subparagraph (A) by not later than 2
15 years after receiving the allotment.

16 (2) RETURN OF FUNDS.—A State that does not
17 wish to receive an allotment under this Act or does
18 not submit a plan described in paragraph (1)(A) by
19 the deadline required under such paragraph shall re-
20 turn the State’s allotment to the Secretary of Labor.

21 (3) USE OF RETURNED FUNDS.—The Secretary
22 of Labor shall use any funds returned under para-
23 graph (2) to provide supplemental allotments to the
24 States that did submit a plan under paragraph (1),
25 in the same manner as under subsection (b).

1 (d) USES OF FUNDS.—

2 (1) USE OF FUNDS TO IMPROVE UNEMPLOY-
3 MENT COMPENSATION ADMINISTRATION.—A State
4 receiving an allotment under this section shall use
5 50 percent of the amount of such allotment for im-
6 proving the administration systems of its unemploy-
7 ment compensation law, including by taking such
8 steps as may be necessary to ensure adequate re-
9 sources in periods of high demand and by modern-
10 izing the information technology infrastructure used
11 for such administration.

12 (2) USE OF FUNDS TO ESTABLISH EXPERI-
13 MENTAL PORTABLE BENEFIT PROGRAMS.—A State
14 receiving an allotment under this section shall use
15 50 percent of the amount of such allotment for the
16 design, implementation, and evaluation of new mod-
17 els or approaches for providing portable benefits to
18 eligible workers, including—

19 (A) innovative proposals for paid leave;

20 (B) providing a job seeker's allowance;

21 (C) qualified health plans offered on the
22 Exchanges established under section 1311 or
23 1321 of the Patient Protection and Affordable
24 Care Act (42 U.S.C. 18031);

25 (D) retirement-related benefits;

1 (E) the long-term expansion of eligibility
2 for unemployment compensation; and

3 (F) other programs specific to local econo-
4 mies in the State.

5 **SEC. 5. REPORT TO CONGRESS.**

6 Not later than September 30, 2022, the Comptroller
7 General of the United States shall evaluate the outcome
8 of the allotments provided under section 4(a) and provide
9 a report on such evaluation to Congress. Such report shall
10 include an assessment of the impact of such allotments
11 on the compensation of workers receiving portable benefits
12 under section 4.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated to carry out this section \$500,000,000 for fiscal
16 year 2021.

17 (b) AVAILABILITY.—Amounts appropriated under
18 subsection (a) shall remain available until expended.

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