

116TH CONGRESS  
2D SESSION

# S. 3482

To provide full Federal funding for regular unemployment compensation for the first week of otherwise compensable unemployment in areas.

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IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide full Federal funding for regular unemployment compensation for the first week of otherwise compensable unemployment in areas.

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 U.I. Solu-  
5 tions Act of 2020”.

1 **SEC. 2. TEMPORARY COVERAGE OF REGULAR UNEMPLOY-**  
 2 **MENT COMPENSATION FOR THE FIRST WEEK**  
 3 **OF OTHERWISE COMPENSABLE UNEMPLOY-**  
 4 **MENT IN AREAS COVERED BY AN EMER-**  
 5 **GENCY DECLARATION WITH FULL FEDERAL**  
 6 **FUNDING.**

7 (a) **FEDERAL-STATE AGREEMENTS.**—Any State  
 8 which desires to do so may enter into and participate in  
 9 an agreement under this section with the Secretary of  
 10 Labor (in this section referred to as the “Secretary”). Any  
 11 State which is a party to an agreement under this title  
 12 may, upon providing 30 days’ written notice to the Sec-  
 13 retary, terminate such agreement.

14 (b) **PROVISIONS OF AGREEMENT.**—

15 (1) **IN GENERAL.**—Any agreement under sub-  
 16 section (a) shall provide that the State agency of the  
 17 State will make payments of regular compensation  
 18 to an individual for the first week of otherwise com-  
 19 pensable unemployment with respect to employment  
 20 in an area for which there is an emergency declara-  
 21 tion for such week.

22 (2) **EMERGENCY DECLARATION.**—In this sec-  
 23 tion, the term “emergency declaration” means, with  
 24 respect to an area, any of the following:

25 (A) A major disaster declared for the area  
 26 by the President under section 401 of the Rob-

1           ert T. Stafford Disaster Relief and Emergency  
2           Assistance Act (42 U.S.C. 5170).

3           (B) An emergency declared for the area by  
4           the President under section 501 of such Act  
5           (42 U.S.C. 5191).

6           (C) A public health emergency declared for  
7           the area by the Secretary of Health and  
8           Human Services under section 319 of the Pub-  
9           lic Health Service Act (42 U.S.C. 247d).

10       (c) PAYMENTS TO STATES.—

11           (1) FULL REIMBURSEMENT.—There shall be  
12           paid to each State which has entered into an agree-  
13           ment under this section an amount equal to 100 per-  
14           cent of—

15           (A) the total amount of regular compensa-  
16           tion paid to individuals by the State pursuant  
17           to such agreement; and

18           (B) any additional administrative expenses  
19           incurred by the State by reason of such agree-  
20           ment (as determined by the Secretary).

21           (2) TERMS OF PAYMENTS.—Sums payable to  
22           any State by reason of such State's having an agree-  
23           ment under this section shall be payable, either in  
24           advance or by way of reimbursement (as determined  
25           by the Secretary), in such amounts as the Secretary

1 estimates the State will be entitled to receive under  
2 this section for each calendar month, reduced or in-  
3 creased, as the case may be, by any amount by  
4 which the Secretary finds that his estimates for any  
5 prior calendar month were greater or less than the  
6 amounts which should have been paid to the State.  
7 Such estimates may be made on the basis of such  
8 statistical, sampling, or other method as may be  
9 agreed upon by the Secretary and the State agency  
10 of the State involved.

11 (d) FUNDING.—

12 (1) COMPENSATION.—

13 (A) IN GENERAL.—Funds in the Federal  
14 unemployment account (as established by sec-  
15 tion 905(g)) of the Unemployment Trust Fund  
16 (as established by section 904(a)) shall be used  
17 to make payments under subsection (c)(1)(A).

18 (B) TRANSFER OF FUNDS.—Notwith-  
19 standing any other provision of law, the Sec-  
20 retary of the Treasury shall transfer from the  
21 general fund of the Treasury (from funds not  
22 otherwise appropriated) to the Federal unem-  
23 ployment account such sums as the Secretary of  
24 Labor estimates to be necessary to make pay-  
25 ments described in subparagraph (A). There

1 are appropriated from the general fund of the  
2 Treasury, without fiscal year limitation, the  
3 sums referred to in the preceding sentence and  
4 such sums shall not be required to be repaid.

5 (2) ADMINISTRATIVE EXPENSES.—

6 (A) IN GENERAL.—Funds in the employ-  
7 ment security administration account (as estab-  
8 lished by section 901(a) of the Social Security  
9 Act (42 U.S.C. 1105(a)) of the Unemployment  
10 Trust Fund (as established by section 904(a) of  
11 such Act (42 U.S.C. 1104(a)) shall be used to  
12 make payments to States and Indian Tribes  
13 pursuant to subsection (c)(1)(B).

14 (B) TRANSFER OF FUNDS.—Notwith-  
15 standing any other provision of law, the Sec-  
16 retary of the Treasury shall transfer from the  
17 general fund of the Treasury (from funds not  
18 otherwise appropriated) to the employment se-  
19 curity administration account such sums as the  
20 Secretary of Labor estimates to be necessary to  
21 make payments described in subparagraph (A).  
22 There are appropriated from the general fund  
23 of the Treasury, without fiscal year limitation,  
24 the sums referred to in the preceding sentence

1           and such sums shall not be required to be re-  
2           paid.

3           (3) CERTIFICATIONS.—The Secretary shall  
4           from time to time certify to the Secretary of the  
5           Treasury for payment to each State the sums pay-  
6           able to such State under this section.

7           (e) APPLICABILITY.—An agreement entered into  
8           under this section shall apply to weeks of unemployment  
9           with respect to a State—

10           (1) beginning after the date on which such  
11           agreement is entered into; and

12           (2) ending on or before the earlier of—

13                   (A) January 1, 2022; or

14                   (B) the date the State law is in compliance  
15           with the requirement under section 3304(a)(22)  
16           of the Internal Revenue Code of 1986.

17           (f) FRAUD AND OVERPAYMENTS.—The provisions of  
18           section 4005 of the Supplemental Appropriations Act,  
19           2008 (Public Law 110–252; 122 Stat. 2356) shall apply  
20           with respect to compensation paid under an agreement  
21           under this section to the same extent and in the same  
22           manner as in the case of emergency unemployment com-  
23           pensation under title IV of such Act.

24           (g) DEFINITIONS.—For purposes of this section, the  
25           terms “regular compensation”, “State”, “State agency”,

1 “State law”, and “week” have the respective meanings  
 2 given such terms under section 205 of the Federal-State  
 3 Extended Unemployment Compensation Act of 1970 (26  
 4 U.S.C. 3304 note).

5 **SEC. 3. PERMANENT STATE PLAN REQUIREMENT TO PRO-**  
 6 **VIDE PAYMENT OF REGULAR UNEMPLOY-**  
 7 **MENT COMPENSATION FOR THE FIRST WEEK**  
 8 **OF OTHERWISE COMPENSABLE UNEMPLOY-**  
 9 **MENT.**

10 (a) DISALLOWING WAITING WEEKS.—

11 (1) IN GENERAL.—Section 3304(a) of the In-  
 12 ternal Revenue Code of 1986 (relating to approval  
 13 of State unemployment compensation laws) is  
 14 amended—

15 (A) in paragraph (18), by striking “and”  
 16 at the end;

17 (B) by redesignating paragraph (19) as  
 18 paragraph (20); and

19 (C) by inserting after paragraph (18) the  
 20 following new paragraph:

21 “(19) compensation is paid to an individual for  
 22 their first week of otherwise compensable unemploy-  
 23 ment without a waiting week; and”.

24 (2) EFFECTIVE DATE.—The amendments made  
 25 by this subsection shall apply to weeks of unemploy-

1       ment beginning on or after January 1, 2022 (or ear-  
2       lier if established by State law (but in no case earlier  
3       than the date of enactment of this Act)).

4       (b) CONFORMING AMENDMENT TO THE EXTENDED  
5 BENEFIT PROGRAM.—Section 204(a) of the Federal-State  
6 Extended Unemployment Compensation Act of 1970 (26  
7 U.S.C. 3304 note) is amended—

8           (1) in paragraph (2)(B), by striking “paid for”  
9       and inserting “subject to paragraph (4), paid for”;  
10       and

11           (2) by adding at the end the following new  
12       paragraph:

13       “(4) Subparagraph (B) of paragraph (2) shall not  
14       apply—

15           “(A) in the case of a State that pays regular  
16       compensation to an individual for the first week of  
17       otherwise compensable unemployment under an  
18       agreement under section 2 of the Emergency U.I.  
19       Solutions Act of 2020; or

20           “(B) to weeks of unemployment beginning on or  
21       after the earlier of—

22           “(i) January 1, 2022; or

23           “(ii) with respect to a State, the date the  
24       State law is in compliance with section



1           3304(a)(19) of the Internal Revenue Code of  
2           1986.”.

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