

116TH CONGRESS  
2D SESSION

# S. 4361

To automatically extend and adjust enhanced unemployment assistance for the duration of the COVID–19 emergency and economic crisis, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

Mr. REED (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To automatically extend and adjust enhanced unemployment assistance for the duration of the COVID–19 emergency and economic crisis, 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 “Worker Relief and Se-  
5 curity Act of 2020”.

6 **SEC. 2. TIERED EXPANSION OF PANDEMIC UNEMPLOY-**  
7 **MENT ASSISTANCE.**

8 (a) IN GENERAL.—Section 2102(c) of the CARES  
9 Act (15 U.S.C. 9021(c)) is amended—

1           (1) by amending paragraph (2) to read as fol-  
2           lows:

3           “(2) DURATION OF ASSISTANCE.—The total  
4           number of weeks for which a covered individual may  
5           receive assistance under this section shall be equal  
6           to—

7                   “(A) in the case of a covered individual  
8                   who first becomes eligible for assistance under  
9                   an agreement with a State under this section  
10                  beginning with any week ending on or before  
11                  January 31, 2021, the sum of—

12                           “(i) the number of weeks sufficient to  
13                           provide for the payment of pandemic un-  
14                           employment assistance to such individual  
15                           for each week ending on or before such  
16                           date with respect to which such agreement  
17                           is in effect; and

18                           “(ii) the number of weeks, beginning  
19                           with the 1st week ending after such date,  
20                           determined with respect to such State for  
21                           such week under paragraph (4); and

22                   “(B) in the case of a covered individual  
23                   who first becomes eligible for assistance under  
24                   an agreement with a State under this section  
25                   beginning with any week after the week ending

1 on or before such date, the number of weeks,  
2 beginning with the 1st week for which the cov-  
3 ered individual becomes so eligible, determined  
4 with respect to such State for such week under  
5 paragraph (4).”; and

6 (2) by adding at the end the following:

7 “(4) WEEKS OF ASSISTANCE AFTER JANUARY  
8 2021.—

9 “(A) IN GENERAL.—The number of weeks  
10 determined with respect to a State under this  
11 paragraph with respect to the reference week of  
12 a covered individual shall be the applicable  
13 number of weeks specified with respect to such  
14 State for the covered individual in the table  
15 provided in subparagraph (B), except that—

16 “(i) in any case in which a State is  
17 designated under section 2115(a) as a  
18 higher tier State for any 3-month period  
19 subsequent to the 3-month period in which  
20 the reference week of a covered individual  
21 ends, the applicable number of weeks spec-  
22 ified in such table with respect to a State  
23 designated as such a higher tier State shall  
24 be substituted for the number of weeks

1 otherwise applicable for such covered indi-  
 2 vidual; and

3 “(ii) if for any 3-month period de-  
 4 scribed in section 2115(a) the national un-  
 5 employment rate (as determined by the  
 6 Secretary of Labor for the base period con-  
 7 sisting of the most recent 13-week period  
 8 ending not less than 14 days before the be-  
 9 ginning of such quarter) is less than 5.5  
 10 percent and has decreased for at least the  
 11 last 2 months of such 3-month period, the  
 12 applicable number of weeks with respect to  
 13 a State designated under section 2115(a)  
 14 as a Tier I State shall be zero in any case  
 15 in which the reference week of a covered  
 16 individual ends in any subsequent 3-month  
 17 period.

18 “(B) TIERED EXTENSIONS.—The table  
 19 provided in this subparagraph is as follows:

“If the reference week of a covered individual ends in a 3-month period for which the State has been designated under section 2115(a) as a...	The applicable number of weeks for the covered individual is...
Tier I State or Tier II State .....	13
Tier III State .....	26
Tier IV State .....	39
Tier V State .....	52
Tier VI State .....	65.

1           “(C) REFERENCE WEEK.—For purposes of  
2           this paragraph, the term ‘reference week’ of a  
3           covered individual means the 1st week ending  
4           after January 31, 2021, for which the covered  
5           individual is eligible for assistance under an  
6           agreement with a State under this section.”.

7           (b) ELIGIBILITY EXPANSION.—

8           (1) IN GENERAL.—Section 2102(a)(3) of the  
9           CARES Act (15 U.S.C. 9021(a)(3)) is amended to  
10          read as follows:

11          “(3) COVERED INDIVIDUAL.—The term ‘cov-  
12          ered individual’ means an individual who is not eligi-  
13          ble for regular compensation under State or Federal  
14          law or pandemic emergency unemployment com-  
15          pensation under section 2107 and who—

16                 “(A)(i) has exhausted all rights to such  
17                 regular compensation and pandemic emergency  
18                 unemployment compensation (within the mean-  
19                 ing of section 2107(a)(3)); and

20                 “(ii) would be eligible for regular com-  
21                 pensation but for the exhaustion of such rights;  
22                 or

23                 “(B)(i) provides self-certification that the  
24                 individual—

1           “(I) is otherwise able to work and  
2 available for work within the meaning of  
3 applicable State law, except the individual  
4 is unemployed, partially unemployed, or  
5 unable or unavailable to work because—

6           “(aa) the individual has been di-  
7 agnosed with COVID–19 or is experi-  
8 encing symptoms of COVID–19 and  
9 seeking a medical diagnosis;

10          “(bb) a member of the individ-  
11 ual’s household has been diagnosed  
12 with COVID–19;

13          “(cc) the individual is providing  
14 care for a family member or a mem-  
15 ber of the individual’s household who  
16 has been diagnosed with COVID–19;

17          “(dd) a child or other person in  
18 the household for which the individual  
19 has primary caregiving responsibility  
20 is unable to attend school, a childcare  
21 facility, a long-term care facility, or  
22 related facility, or is unable to access  
23 in-home care, as a result of the  
24 COVID–19 national emergency, and

1 such school, facility, or in-home care  
2 is required for the individual to work;

3 “(ee) the individual is unable to  
4 reach the place of employment be-  
5 cause of a quarantine imposed as a  
6 result of the COVID–19 national  
7 emergency;

8 “(ff) the individual is unable to  
9 reach the place of employment be-  
10 cause the individual has been advised  
11 by a health care provider to self-quar-  
12 antine due to concerns related to the  
13 COVID–19 national emergency, in-  
14 cluding because the individual resides  
15 with an individual at higher risk of se-  
16 vere illness;

17 “(gg) the individual was sched-  
18 uled to commence employment and  
19 does not have a job or is unable to  
20 reach the job as a result of the  
21 COVID–19 national emergency;

22 “(hh) the individual has become  
23 the breadwinner or major support for  
24 a household because the head of the

1 household has died as a result of the  
2 COVID–19 national emergency;

3 “(ii) the individual has to quit  
4 his or her job as a result of the  
5 COVID–19 national emergency;

6 “(jj) the individual’s place of em-  
7 ployment is closed as a result of the  
8 COVID–19 national emergency;

9 “(kk) the individual is otherwise  
10 unable to obtain employment as a re-  
11 sult of the COVID–19 national emer-  
12 gency; or

13 “(ll) the individual meets any ad-  
14 ditional criteria established by the  
15 Secretary for unemployment assist-  
16 ance under this section; or

17 “(II) is self-employed, is seeking part-  
18 time employment, does not have sufficient  
19 work history, or otherwise would not qual-  
20 ify for regular unemployment or extended  
21 benefits under State or Federal law or  
22 pandemic emergency unemployment com-  
23 pensation under section 2107 and meets  
24 the requirements of subclause (I).



1           Such term does not include an individual  
2           who has the ability to telework with pay or  
3           who is receiving paid sick leave or other  
4           paid leave benefits, regardless of whether  
5           such individual otherwise meets the re-  
6           quirements of subparagraph (B)(i)(I).”.

7           (2) EXPANSION OF ELIGIBILITY RELATED TO  
8           ECONOMIC CONSEQUENCES OF COVID-19.—Section  
9           2102(a)(2) of the CARES Act (15 U.S.C.  
10          9021(a)(2)) is amended to read as follows:

11          “(2) COVID-19 NATIONAL EMERGENCY.—The  
12          term ‘COVID-19 national emergency’ means the  
13          public health emergency declared by the Secretary of  
14          Health and Human Services on January 27, 2020,  
15          with respect to the 2019 Novel Coronavirus, and its  
16          macroeconomic consequences.”.

17          (3) EXTENSION OF ELIGIBILITY TO INDIVID-  
18          UALS WITHOUT A RECENT ATTACHMENT TO THE  
19          LABOR FORCE.—Section 2102(b) of the CARES Act  
20          (15 U.S.C. 9021(b)) is amended to read as follows:

21          “(b) ASSISTANCE FOR UNEMPLOYMENT AS A RE-  
22          SULT OF COVID-19 NATIONAL EMERGENCY.—Subject to  
23          subsection (c), the Secretary shall provide pandemic un-  
24          employment assistance—

1           “(1) to any covered individual while such indi-  
 2           vidual is unemployed, partially unemployed, or un-  
 3           able to work for the weeks of such unemployment  
 4           with respect to which the individual is not entitled  
 5           to any other unemployment compensation (as that  
 6           term is defined in section 85(b) of title 26, United  
 7           States Code) or waiting period credit; and

8           “(2) to any other individual for weeks with re-  
 9           spect to which the individual would be a covered in-  
 10          dividual but for the individual’s lack of a recent at-  
 11          tachment to the labor force.”.

12           (4) CONFORMING AMENDMENTS.—Section 2102  
 13          of the CARES Act (15 U.S.C. 9021) is amended—

14           (A) in subsection (c)(1), by striking  
 15           “COVID–19” and inserting “the COVID–19  
 16           national emergency” each place it appears; and

17           (B) in subsection (h)(1), by striking  
 18           “COVID–19 public health emergency” and in-  
 19           serting “COVID–19 national emergency”.

20          (c) COORDINATION WITH EXTENDED COMPENSA-  
 21          TION.—

22           (1) IN GENERAL.—Section 2102(f) of such Act  
 23          (15 U.S.C. 9021(f)) is amended by adding at the  
 24          end the following:

1           “(4) COORDINATION WITH EXTENDED COM-  
2           PENSATION.—An agreement under this section shall  
3           apply with respect to a State only upon a determina-  
4           tion by the Secretary that, under the State law or  
5           other applicable rules of such State, the payment of  
6           extended compensation for which an individual is  
7           otherwise eligible must be deferred until after the  
8           payment of any pandemic unemployment assistance  
9           under subsection (b) for which the individual is con-  
10          currently eligible.”.

11           (2) CONFORMING AMENDMENT.—Section  
12          2102(a)(3)(A)(i) of such Act (15 U.S.C.  
13          9021(a)(3)(A)(i)) is amended by striking “or ex-  
14          tended benefits” each place it appears.

15          (d) APPLICABILITY.—Section 2102(c)(1) of such Act  
16          (15 U.S.C. 9021(c)(1)) is amended—

17           (1) by amending subparagraph (A) to read as  
18          follows:

19                   “(A) for weeks of unemployment, partial  
20                   unemployment, or inability to work caused by  
21                   COVID–19 beginning on or after January 27,  
22                   2020; and”; and

23           (2) in subparagraph (B), by striking “subject to  
24          subparagraph (A)(ii),”.

1 **SEC. 3. TIERED EXTENSION OF FEDERAL PANDEMIC UNEM-**  
2 **PLOYMENT COMPENSATION.**

3 (a) IN GENERAL.—Section 2104(b) of the CARES  
4 Act (15 U.S.C. 9023(b)) is amended—

5 (1) in paragraph (1), by striking “(B) an addi-  
6 tional amount” and all that follows through the end  
7 and inserting the following:

8 “(B) an additional amount (in this section  
9 referred to as ‘Federal Pandemic Unemploy-  
10 ment Compensation’) of—

11 “(i) for weeks with respect to which  
12 such agreement is in effect ending on or  
13 before the date that is 30 days after the  
14 date on which any national emergency de-  
15 clared by the President under the National  
16 Emergencies Act (50 U.S.C. 1601 et seq.)  
17 relating to COVID–19 (or any extension  
18 thereof) terminates, including the national  
19 emergency declared on March 13, 2020,  
20 and any subsequent national emergency,  
21 \$600;

22 “(ii) for the subsequent 13 weeks with  
23 respect to which such agreement is in ef-  
24 fect ending after such date, \$450; and

25 “(iii) for any week with respect to  
26 which such agreement is in effect following

1 the weeks described in clause (ii), the ap-  
2 plicable dollar amount specified with re-  
3 spect to such State for such week in the  
4 table provided in paragraph (2), except  
5 that—

6 “(I) if the first such week ends in  
7 the last month of a 3-month period  
8 for which a State has received a des-  
9 ignation under section 2115(a), the  
10 applicable dollar amount for the first  
11 such week and for any subsequent  
12 weeks ending during such 3-month pe-  
13 riod shall be \$450; and

14 “(II) if for any 3-month period  
15 described in section 2115(a) the na-  
16 tional unemployment rate (as deter-  
17 mined by the Secretary of Labor for  
18 the base period consisting of the most  
19 recent 13-week period ending not less  
20 than 14 days before the beginning of  
21 such quarter) is less than 5.5 percent  
22 and has decreased for at least the last  
23 2 months of such 3-month period, the  
24 applicable dollar amount with respect  
25 to a State designated under section

1                   2115(a) as a Tier I State, Tier II  
 2                   State, or Tier III State shall be \$0 for  
 3                   any week ending in any subsequent 3-  
 4                   month period.

5           Notwithstanding clause (i), in any case in which a  
 6           subsequent national emergency is declared by the  
 7           President under the National Emergencies Act (50  
 8           U.S.C. 1601 et seq.) relating to COVID–19 during  
 9           the last 2 months of a 3-month period for which a  
 10          State has received a designation under section  
 11          2115(a), the applicable dollar amount for the first  
 12          week ending on or before the date that is 30 days  
 13          after the date of such declaration, and for any sub-  
 14          sequent weeks during such 3-month period shall be  
 15          the amount determined under clause (iii).”;

16                   (2) by redesignating paragraph (2) as para-  
 17                   graph (3); and

18                   (3) by inserting after paragraph (1) the fol-  
 19                   lowing:

20                   “(2) TIERED COMPENSATION AMOUNTS.—The  
 21                   table provided in this paragraph is as follows:

“If a week ends in a 3-month period for which a State has been designated under section 2115(a) as a...	The applicable dollar amount for such week shall be equal to...
Tier I State, Tier II State, or Tier III State .....	\$200
Tier IV State, Tier V State, or Tier VI State .....	\$300.”.

1 (b) APPLICABILITY.—Section 2104(e) of such Act  
2 (15 U.S.C. 9023(e)) is amended to read as follows:

3 “(e) APPLICABILITY.—An agreement entered into  
4 under this section shall apply to weeks of unemployment  
5 beginning after the date on which such agreement is en-  
6 tered into.”.

7 **SEC. 4. EXTENSION OF PANDEMIC EMERGENCY UNEMPLOY-**  
8 **MENT COMPENSATION THROUGH CALENDAR**  
9 **YEAR 2020.**

10 Section 2107 of the CARES Act (15 U.S.C. 9025)  
11 is amended—

12 (1) in subsection (b)(2), by striking “13 times”  
13 and all that follows through the end and inserting  
14 “the product of—

15 “(A) the individual’s average weekly ben-  
16 efit amount, which includes the amount of Fed-  
17 eral Pandemic Unemployment Compensation  
18 under section 2104, for the benefit year; and

19 “(B) the number of weeks sufficient to  
20 provide for the payment of pandemic emergency  
21 unemployment compensation to the individual  
22 for each week with respect to which the agree-  
23 ment entered into under this section is in ef-  
24 fect.”; and

1 (2) in subsection (g)(2), by striking “December  
 2 31, 2020” and inserting “January 31, 2021”.

3 **SEC. 5. DESIGNATION OF STATE UNEMPLOYMENT TIERS.**

4 Subtitle A of title II of division B of the CARES Act  
 5 (15 U.S.C. 9021 et seq.) is amended—

6 (1) by redesignating sections 2115 and 2116 as  
 7 sections 2116 and 2117, respectively; and

8 (2) by inserting after section 2114 the fol-  
 9 lowing:

10 **“SEC. 2115. STATE UNEMPLOYMENT TIERS.**

11 “(a) IN GENERAL.—For the 3-month period begin-  
 12 ning with February 2021, and for each subsequent 3-  
 13 month period, the Secretary of Labor shall designate each  
 14 State according to the following table:

“If the quarterly unemployment rate in a State with respect to a 3-month period is...	The State shall be designated for such 3-month period as a...
less than 5.5 percent .....	Tier I State
equal to or greater than 5.5 percent but less than 6.5 percent.	Tier II State
equal to or greater than 6.5 percent but less than 7.5 percent.	Tier III State
equal to or greater than 7.5 percent but less than 8.5 percent.	Tier IV State
equal to or greater than 8.5 percent but less than 9.5 percent.	Tier V State
equal to or greater than 9.5 percent .....	Tier VI State.

15 “(b) QUARTERLY UNEMPLOYMENT RATE.—For pur-  
 16 poses of this section, the term ‘quarterly unemployment  
 17 rate’ means, with respect to a State for a 3-month period  
 18 described in subsection (a), the average rate of total unem-



1 ployment in such State (seasonally adjusted), to be deter-  
 2 mined by the Secretary of Labor, for the period consisting  
 3 of the most recent 13-week period ending not less than  
 4 14 days before the beginning of such 3-month period.

5 “(c) STATE.—For purposes of this section, the term  
 6 ‘State’ includes the District of Columbia, the Common-  
 7 wealth of Puerto Rico, the Virgin Islands, Guam, Amer-  
 8 ican Samoa, the Commonwealth of the Northern Mariana  
 9 Islands, the Federated States of Micronesia, the Republic  
 10 of the Marshall Islands, and the Republic of Palau.”.

11 **SEC. 6. ADDITIONAL EMERGENCY TRANSFERS FOR UNEM-**  
 12 **PLOYMENT COMPENSATION ADMINISTRA-**  
 13 **TION.**

14 (a) IN GENERAL.—Section 903 of the Social Security  
 15 Act (42 U.S.C. 1103) is amended by adding at the end  
 16 the following:

17 “(j) ADDITIONAL EMERGENCY TRANSFERS IN FIS-  
 18 CAL YEAR 2020 FOR ADMINISTRATION.—

19 “(1)(A) In addition to any other amounts (including  
 20 amounts provided under subsection (h)), the Secretary of  
 21 Labor shall provide for the making of emergency adminis-  
 22 tration grants in fiscal year 2020 to the accounts of the  
 23 States in the Unemployment Trust Fund, in accordance  
 24 with succeeding provisions of this subsection.

1       “(B) The amount of an emergency administration  
2 grant with respect to a State shall, as determined by the  
3 Secretary of Labor, be equal to the amount obtained by  
4 multiplying \$5,000,000,000 by the same ratio as would  
5 apply under subsection (a)(2)(B) for purposes of deter-  
6 mining such State’s share of any excess amount (as de-  
7 scribed in subsection (a)(1)) that would have been subject  
8 to transfer to State accounts, as of October 1, 2019, under  
9 the provisions of subsection (a).

10       “(2) Any amount transferred to the account of a  
11 State under this subsection may be used by such State  
12 only for the administration of its unemployment com-  
13 pensation law.

14       “(3)(A) Notwithstanding any other provision of law,  
15 the Secretary of the Treasury shall transfer from the gen-  
16 eral fund of the Treasury (from funds not otherwise ap-  
17 propriated) to the employment security administration ac-  
18 count (as established by section 901 of the Social Security  
19 Act) such sums as the Secretary of Labor estimates to  
20 be necessary for purposes of making the transfers de-  
21 scribed in paragraph (1)(C).

22       “(B) There are appropriated from the general fund  
23 of the Treasury, without fiscal year limitation, the sums  
24 referred to in the preceding sentence and such sums shall  
25 not be required to be repaid.”.

1       (b) REGULATIONS.—The Secretary of Labor may  
2 prescribe any regulations, operating instructions, or other  
3 guidance necessary to carry out the amendment made by  
4 subsection (a).

○