

116TH CONGRESS
2D SESSION

S. 4935

To provide continued assistance to unemployed workers.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2020

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

A BILL

To provide continued assistance to unemployed workers.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Worker Holiday Relief Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS OF CARES ACT UNEMPLOYMENT BENEFITS FOR WORKERS

Sec. 101. Extension of Federal Pandemic Unemployment Compensation.

Sec. 102. Extension of pandemic unemployment assistance.

Sec. 103. Extension and expansion of the pandemic emergency unemployment compensation program.

- Sec. 104. Extension of temporary financing of short-time compensation payments in States with programs in law.
- Sec. 105. Extension of temporary financing of short-time compensation agreements.
- Sec. 106. Extension of full Federal funding of the first week of compensable regular unemployment for States with no waiting week.

TITLE II—TAX WITHHOLDING OPTION FOR UNEMPLOYMENT BENEFITS

- Sec. 201. Application of FUTA requirement to permit individuals to request that Federal income tax be withheld.

TITLE III—CLARIFICATIONS AND IMPROVEMENTS TO PANDEMIC UNEMPLOYMENT ASSISTANCE

- Sec. 301. Clarification of Pandemic Unemployment Assistance eligibility for primary caregiving.
- Sec. 302. Waiver authority for certain overpayments of Pandemic Unemployment Assistance.
- Sec. 303. Clarification of access to Pandemic Unemployment Assistance for workers at businesses that reduced staff due to the pandemic.
- Sec. 304. Hold Harmless for Pandemic Unemployment Assistance.
- Sec. 305. Clarification of access to Pandemic Unemployment Assistance for workers with unsafe workplaces.
- Sec. 306. Clarification of access to Pandemic Unemployment Assistance for workers who are self-quarantining in accordance with CDC guidelines.
- Sec. 307. Clarification of access to Pandemic Unemployment Assistance for workers who had to reduce or suspend customary work activities.
- Sec. 308. Clarification of continued access to Pandemic Unemployment Assistance.
- Sec. 309. State flexibility in establishing income.

TITLE IV—EXTENSION OF RELIEF TO STATES AND EMPLOYERS

- Sec. 401. Extension of full Federal funding of extended unemployment compensation.
- Sec. 402. Extension of temporary assistance for States with advances.
- Sec. 403. Extension of emergency relief for governmental entities and nonprofit organizations.

TITLE V—CORRECTIVE ACTION FOR PROCESSING BACKLOGS

- Sec. 501. State reporting on claims backlogs.

TITLE VI—PANDEMIC UNEMPLOYMENT ASSISTANCE FOR MIXED EARNERS

- Sec. 601. Coverage of mixed-income individuals.

TITLE VII—TECHNICAL CORRECTIONS

- Sec. 701. Grace Period for Full Financing of Short-Time Compensation Programs.
- Sec. 702. Technical correction for the Commonwealth of Northern Mariana Islands.

Sec. 703. Technical amendment relating to Pandemic Unemployment Assistance.

1 TITLE I—EXTENSIONS OF CARES
2 ACT UNEMPLOYMENT BENE-
3 FITS FOR WORKERS

4 SEC. 101. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-
5 MENT COMPENSATION.

6 (a) IN GENERAL.—Section 2104(e) of division A of
7 the CARES Act (15 U.S.C. 9023(e)) is amended to read
8 as follows:

9 “(e) APPLICABILITY.—

10 “(1) IN GENERAL.—An agreement entered into
11 under this section shall apply—

12 “(A) to weeks of unemployment beginning
13 after the date on which such agreement is en-
14 tered into and ending on or before July 31,
15 2020; and

16 “(B) to weeks of unemployment beginning
17 after September 5, 2020 (or, if later, the date
18 on which such agreement is entered into), and
19 ending on or before October 4, 2021.

20 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
21 MAINING ENTITLED TO REGULAR COMPENSATION AS
22 OF OCTOBER 4, 2021.—In the case of any individual
23 who, as of the date specified in paragraph (1)(B),
24 has not yet exhausted all rights to regular com-

1 pensation under the State law of a State with re-
 2 spect to a benefit year that began before such date,
 3 Federal Pandemic Unemployment Compensation
 4 shall continue to be payable to such individual for
 5 any week beginning on or after such date for which
 6 the individual is otherwise eligible for regular com-
 7 pensation with respect to such benefit year.

8 “(3) TERMINATION.—Notwithstanding any
 9 other provision of this subsection, no Federal Pan-
 10 demic Unemployment Compensation shall be payable
 11 for any week beginning after January 3, 2022.”.

12 (b) DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-
 13 MENT COMPENSATION FOR CERTAIN PURPOSES.—Section
 14 2104(h) of division A of the CARES Act (15 U.S.C.
 15 9023(h)) is amended to read as follows:

16 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-
 17 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-
 18 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal
 19 Pandemic Unemployment Compensation payment shall
 20 not be regarded as income and shall not be regarded as
 21 a resource for the month of receipt and the following 9
 22 months, for purposes of determining the eligibility of the
 23 recipient (or the recipient’s spouse or family) for benefits
 24 or assistance, or the amount or extent of benefits or assist-
 25 ance, under any Federal program or under any State or

1 local program financed in whole or in part with Federal
2 funds.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the enact-
5 ment of the CARES Act (Public Law 116–136).

6 **SEC. 102. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
7 **SISTANCE.**

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

10 (1) in subsection (c)—

11 (A) in paragraph (1)(A)(ii), by striking
12 “December 31, 2020” and inserting “the appli-
13 cable end date described in section 2107(g)(2)”;
14 and

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) LIMITATION ON DURATION OF ASSIST-
18 ANCE.—

19 “(A) IN GENERAL.—The total number of
20 weeks for which a covered individual may re-
21 ceive assistance under this section shall not ex-
22 ceed 65 weeks and such total shall include any
23 week for which the covered individual received
24 regular compensation or extended benefits
25 under any Federal or State law, or pandemic

1 emergency unemployment compensation under
2 section 2107, except that if after March 27,
3 2020, the extended benefit period or high un-
4 employment period is triggered under the Fed-
5 eral-State Extended Unemployment Compensa-
6 tion Act of 1970 (26 U.S.C. 3304 note) or an
7 emergency benefit period is triggered under sec-
8 tion 2107, the 65-week period described in this
9 paragraph shall be extended by—

10 “(i) in the case of an extended benefit
11 period or high unemployment period trig-
12 gered under the Federal-State Extended
13 Unemployment Compensation Act of 1970,
14 the number of weeks that is equal to the
15 number of weeks of extended benefits
16 available under such Act in the State in
17 which the individual is filing; and

18 “(ii) in the case of an emergency ben-
19 efit period triggered under section 2107,
20 the number of weeks that is equal to the
21 additional number of weeks (through aug-
22 mentation) available under paragraphs (4),
23 (5), and (6) of section 2107(b) in the State
24 in which the individual is filing.

1 “(B) EXTENSION OF ASSISTANCE.—For
 2 the purpose of an extension of the 65-week pe-
 3 riod under subparagraph (A), the following
 4 rules shall apply:

5 “(i) TRANSITION PERIOD.— Section
 6 2107(g)(3) shall apply to any extension of
 7 assistance under subparagraph (A).

8 “(ii) ACCOUNTS AND
 9 GRANDFATHERING.—In determining the
 10 number of weeks available for a covered in-
 11 dividual under an extension described in
 12 subparagraph (A)(ii), the Secretary shall
 13 apply rules that are the same as the rules
 14 described in paragraphs (4), (5), and (6)
 15 of section 2107(b), including with respect
 16 to accounts and grandfathering.”; and

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

18 “(i) UNEMPLOYMENT RATE CALCULATION FOR CER-
 19 TAIN TERRITORIES.—In the case of Guam, American
 20 Samoa, the Commonwealth of the Northern Mariana Is-
 21 lands, the Federated States of Micronesia, the Republic
 22 of the Marshall Islands, and the Republic of Palau, the
 23 following rules shall apply:

24 “(1) For the purposes of subsection
 25 (c)(1)(A)(ii) of this section, the Secretary shall de-

1 terminate the total unemployment rate of the territory
2 in a manner similar to the manner under section
3 2107(g)(2).

4 “(2) For the purpose of subsection (c)(2)(B) of
5 this section, the Secretary shall determine the total
6 unemployment rate of the territory in a manner
7 similar to the manner under paragraphs (4), (5),
8 and (6) of section 2107(b).”.

9 (b) HOLD HARMLESS FOR PROPER ADMINISTRA-
10 TION.—In the case of an individual who is eligible to re-
11 ceive pandemic unemployment assistance under section
12 2102 of division A of the CARES Act (15 U.S.C. 9021)
13 as of the day before the date of enactment of this Act
14 and on the date of enactment of this Act becomes eligible
15 for pandemic emergency unemployment compensation
16 under section 2107 of division A of the CARES Act (15
17 U.S.C. 9025) by reason of the amendments made by sec-
18 tion 103(b) of this Act, any payment of pandemic unem-
19 ployment assistance under section such 2102 made after
20 the date of enactment of this Act to such individual during
21 an appropriate period of time, as determined by the Sec-
22 retary of Labor, that should have been made under such
23 section 2107 shall not be considered to be an overpayment
24 of assistance under such section 2102.

1 **SEC. 103. EXTENSION AND EXPANSION OF THE PANDEMIC**
 2 **EMERGENCY UNEMPLOYMENT COMPENSA-**
 3 **TION PROGRAM.**

4 (a) EXTENSION.—Section 2107(g) of division A of
 5 the CARES Act (15 U.S.C. 9025(g)) is amended to read
 6 as follows:

7 “(g) APPLICABILITY.—

8 “(1) IN GENERAL.—Subject to paragraphs (2)
 9 and (3), an agreement entered into under this sec-
 10 tion shall apply, with respect to a State, to weeks of
 11 unemployment—

12 “(A) beginning after the date on which
 13 such agreement is entered into; and

14 “(B) ending on or before the applicable
 15 end date described in paragraph (2).

16 “(2) APPLICABLE END DATE.—

17 “(A) IN GENERAL.—The applicable end
 18 date described in this paragraph with respect to
 19 a State is the first date (after the date the
 20 State entered into an agreement under this sec-
 21 tion) that the State has not been in an emer-
 22 gency benefit period described in subparagraph
 23 (B) for 13 consecutive weeks.

24 “(B) EMERGENCY BENEFIT PERIOD.—For
 25 purposes of subparagraph (A), a State shall be

1 considered to be in an emergency benefit period,
2 as of any given day, if—

3 “(i) an extended benefit period would
4 then be in effect for such State under the
5 Federal-State Extended Unemployment
6 Compensation Act of 1970 (26 U.S.C.
7 3304 note) if—

8 “(I) section 203(f) of such Act
9 were applied to such State (regardless
10 of whether the State by law had pro-
11 vided for such application); and

12 “(II) such section 203(f)—

13 “(aa) were applied by sub-
14 stituting ‘5.5’ for ‘6.5’ in para-
15 graph (1)(A)(i) thereof; and

16 “(bb) did not include the re-
17 quirement under paragraph
18 (1)(A)(ii) thereof; or

19 “(ii) the average national unemploy-
20 ment rate (seasonally adjusted) for the pe-
21 riod consisting of the most recent 3
22 months for which data for all States are
23 published before such day equals or ex-
24 ceeds 5.5 percent.

1 “(3) TRANSITION FOR AMOUNT REMAINING IN
2 ACCOUNT.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), in the case of an individual who has
5 amounts remaining in an account established
6 under subsection (b) as of the last day of the
7 last week (as determined in accordance with the
8 applicable State law) ending on or before the
9 applicable end date described in paragraph (2),
10 pandemic emergency unemployment compensa-
11 tion shall continue to be payable to such indi-
12 vidual from such amounts for any week begin-
13 ning after such date for which the individual
14 meets the eligibility requirements of this sec-
15 tion.

16 “(B) LIMITATION.—No compensation shall
17 be payable by reason of paragraph (1) for any
18 week beginning after the date that is 13 weeks
19 after the applicable end date described in para-
20 graph (2).”.

21 (b) EXPANSION.—Section 2107(b) of division A of
22 the CARES Act (15 U.S.C. 9025(b)) is amended—

23 (1) by striking paragraph (2) and redesignating
24 paragraph (3) as paragraph (2); and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(3) FIRST-TIER PANDEMIC EMERGENCY UNEM-
4 PLOYMENT COMPENSATION.—The amount estab-
5 lished in an account under paragraph (1) shall be
6 equal to 39 times the individual’s average weekly
7 benefit amount, which includes the amount of Fed-
8 eral Pandemic Unemployment Compensation under
9 section 2104, for the benefit year.

10 “(4) SECOND-TIER PANDEMIC EMERGENCY UN-
11 EMPLOYMENT COMPENSATION.—

12 “(A) IN GENERAL.—If, at the time that
13 the amount added to an individual’s account
14 under paragraph (3) (in this section referred to
15 as ‘first-tier pandemic emergency unemploy-
16 ment compensation’) is exhausted, or at any
17 time thereafter, such individual’s State is in a
18 second-tier pandemic elevated benefit period (as
19 determined under subparagraph (B)), such ac-
20 count shall be augmented by an amount (in this
21 section referred to as ‘second-tier pandemic
22 emergency unemployment compensation’) equal
23 to 13 times the individual’s average weekly ben-
24 efit amount, which includes the amount of Fed-

1 eral Pandemic Unemployment Compensation
2 under section 2104, for the benefit year.

3 “(B) SECOND-TIER PANDEMIC ELEVATED
4 BENEFIT PERIOD BENEFIT PERIOD.—For pur-
5 poses of subparagraph (A), a State shall be
6 considered to be in a second-tier pandemic ele-
7 vated benefit period, as of any given time, if an
8 extended benefit period would then be in effect
9 for such State under the Federal-State Ex-
10 tended Unemployment Compensation Act of
11 1970 (26 U.S.C. 3304 note) if—

12 “(i) section 203(f) of such Act were
13 applied to such State (regardless of wheth-
14 er the State by law had provided for such
15 application); and

16 “(ii) such section 203(f) did not in-
17 clude the requirement under paragraph
18 (1)(A)(ii) thereof.

19 “(C) LIMITATION.—The account of an in-
20 dividual may be augmented not more than once
21 under this subsection.

22 “(5) THIRD-TIER PANDEMIC EMERGENCY UN-
23 EMPLOYMENT COMPENSATION.—

24 “(A) IN GENERAL.—If, at the time that
25 the amount added to an individual’s account

under paragraph (4) is exhausted, or at any time thereafter, such individual's State is in a third-tier pandemic elevated benefit period (as determined under subparagraph (B)), such account shall be augmented by an amount (in this section referred to as 'third-tier pandemic emergency unemployment compensation') equal to 13 times the individual's average weekly benefit amount, which includes the amount of Federal Pandemic Unemployment Compensation under section 2104, for the benefit year.

“(B) THIRD-TIER PANDEMIC ELEVATED BENEFIT PERIOD.—For purposes of subparagraph (A), a State shall be considered to be in a third-tier pandemic elevated benefit period, as of any given time, if an extended benefit period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

1 “(I) were applied by substituting
2 ‘7.5’ for ‘6.5’ in paragraph (1)(A)(i)
3 thereof; and

4 “(II) did not include the require-
5 ment under paragraph (1)(A)(ii)
6 thereof.

7 “(C) LIMITATION.—The account of an in-
8 dividual may be augmented not more than once
9 under this subsection.

10 “(6) FOURTH-TIER PANDEMIC EMERGENCY UN-
11 EMPLOYMENT COMPENSATION.—

12 “(A) IN GENERAL.—If, at the time that
13 the amount added to an individual’s account
14 under paragraph (5) is exhausted, or at any
15 time thereafter, such individual’s State is in a
16 fourth-tier pandemic elevated benefit period (as
17 determined under subparagraph (B)), such ac-
18 count shall be augmented by an amount (in this
19 section referred to as ‘fourth-tier pandemic
20 emergency unemployment compensation’) equal
21 to 13 times the individual’s average weekly ben-
22 efit amount, which includes the amount of Fed-
23 eral Pandemic Unemployment Compensation
24 under section 2104, for the benefit year.

1 “(B) FOURTH-TIER PANDEMIC ELEVATED
 2 BENEFIT PERIOD.—For purposes of subpara-
 3 graph (A), a State shall be considered to be in
 4 a fourth-tier pandemic elevated benefit period,
 5 as of any given time, if an extended benefit pe-
 6 riod would then be in effect for such State
 7 under the Federal-State Extended Unemploy-
 8 ment Compensation Act of 1970 (26 U.S.C.
 9 3304 note) if—

10 “(i) section 203(f) of such Act were
 11 applied to such State (regardless of wheth-
 12 er the State by law had provided for such
 13 application); and

14 “(ii) such section 203(f)—

15 “(I) were applied by substituting
 16 ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i)
 17 thereof; and

18 “(II) did not include the require-
 19 ment under paragraph (1)(A)(ii)
 20 thereof.

21 “(C) LIMITATION.—The account of an in-
 22 dividual may be augmented not more than once
 23 under this subsection.

1 “(7) COORDINATION OF PANDEMIC EMERGENCY
 2 UNEMPLOYMENT COMPENSATION WITH REGULAR
 3 COMPENSATION.—

4 “(A) IN GENERAL.—If—

5 “(i) an individual has been determined
 6 to be entitled to pandemic emergency un-
 7 employment compensation with respect to
 8 a benefit year;

9 “(ii) that benefit year has expired;

10 “(iii) that individual has remaining
 11 entitlement to pandemic emergency unem-
 12 ployment compensation with respect to
 13 that benefit year; and

14 “(iv) that individual would qualify for
 15 a new benefit year in which the weekly
 16 benefit amount of regular compensation is
 17 at least \$25 less than the individual’s
 18 weekly benefit amount in the benefit year
 19 referred to in clause (i),

20 then the State shall determine eligibility for
 21 compensation as provided in subparagraph (B).

22 “(B) DETERMINATION OF ELIGIBILITY.—

23 For individuals described in subparagraph (A),
 24 the State shall determine whether the individual
 25 is to be paid pandemic emergency unemploy-

1 ment compensation or regular compensation for
2 a week of unemployment using one of the fol-
3 lowing methods:

4 “(i) The State shall, if permitted by
5 State law, establish a new benefit year, but
6 defer the payment of regular compensation
7 with respect to that new benefit year until
8 exhaustion of all pandemic emergency un-
9 employment compensation payable with re-
10 spect to the benefit year referred to in sub-
11 paragraph (A)(i).

12 “(ii) The State shall, if permitted by
13 State law, defer the establishment of a new
14 benefit year (which uses all the wages and
15 employment which would have been used to
16 establish a benefit year but for the applica-
17 tion of this subparagraph), until exhaus-
18 tion of all pandemic emergency unemploy-
19 ment compensation payable with respect to
20 the benefit year referred to in subpara-
21 graph (A)(i).

22 “(iii) The State shall pay, if permitted
23 by State law—

1 “(I) regular compensation equal
 2 to the weekly benefit amount estab-
 3 lished under the new benefit year; and

4 “(II) pandemic emergency unem-
 5 ployment compensation equal to the
 6 difference between that weekly benefit
 7 amount and the weekly benefit
 8 amount for the expired benefit year.

9 “(iv) The State shall determine rights
 10 to pandemic emergency unemployment
 11 compensation without regard to any rights
 12 to regular compensation if the individual
 13 elects to not file a claim for regular com-
 14 pensation under the new benefit year.”.

15 (c) EFFECTIVE DATE.—The amendments made by
 16 this section shall apply as if included in the enactment
 17 of the CARES Act (Public Law 116–136), except that no
 18 amount shall be payable by virtue of such amendments
 19 with respect to any week of unemployment commencing
 20 before the date of the enactment of this Act.

21 **SEC. 104. EXTENSION OF TEMPORARY FINANCING OF**
 22 **SHORT-TIME COMPENSATION PAYMENTS IN**
 23 **STATES WITH PROGRAMS IN LAW.**

24 Section 2108(b)(2) of division A of the CARES Act
 25 (15 U.S.C. 9026(b)(2)) is amended by striking “December

1 31, 2020” and inserting “the applicable end date de-
 2 scribed in section 2107(g)(2)”.

3 **SEC. 105. EXTENSION OF TEMPORARY FINANCING OF**
 4 **SHORT-TIME COMPENSATION AGREEMENTS.**

5 Section 2109(d)(2) of division A of the CARES Act
 6 (15 U.S.C. 9027(d)(2)) is amended by striking “December
 7 31, 2020” and inserting “the applicable end date de-
 8 scribed in section 2107(g)(2)”.

9 **SEC. 106. EXTENSION OF FULL FEDERAL FUNDING OF THE**
 10 **FIRST WEEK OF COMPENSABLE REGULAR**
 11 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
 12 **ING WEEK.**

13 Section 2105(e)(2) of division A of the CARES Act
 14 (15 U.S.C. 9024(e)(2)) is amended by striking “December
 15 31, 2020” and inserting “the applicable end date de-
 16 scribed in section 2107(g)(2)”.

17 **TITLE II—TAX WITHHOLDING**
 18 **OPTION FOR UNEMPLOY-**
 19 **MENT BENEFITS**

20 **SEC. 201. APPLICATION OF FUTA REQUIREMENT TO PER-**
 21 **MIT INDIVIDUALS TO REQUEST THAT FED-**
 22 **ERAL INCOME TAX BE WITHHELD.**

23 (a) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Sec-
 24 tion 2102(f) of division A of the CARES Act (15 U.S.C.
 25 9021(f)) is amended by adding at the end the following:

1 “(4) APPLICATION OF FUTA REQUIREMENT TO
2 PERMIT INDIVIDUALS TO REQUEST THAT FEDERAL
3 INCOME TAX BE WITHHELD.—Beginning 30 days
4 after the date of enactment of this paragraph, any
5 agreement under this subsection shall provide that
6 the requirement under section 3304(a)(18) of the
7 Internal Revenue Code of 1986 shall apply to assist-
8 ance payable under this section in the same manner
9 as such requirement applies to unemployment com-
10 pensation payable under State law.”.

11 (b) FEDERAL PANDEMIC UNEMPLOYMENT COM-
12 PENSATION.—Section 2104(b) of division A of the CARES
13 Act (15 U.S.C. 9023(b)) is amended by adding at the end
14 the following new paragraph:

15 “(3) APPLICATION OF FUTA REQUIREMENT TO
16 PERMIT INDIVIDUALS TO REQUEST THAT FEDERAL
17 INCOME TAX BE WITHHELD.—Beginning 30 days
18 after the date of enactment of this paragraph, any
19 agreement under this section shall provide that the
20 requirement under section 3304(a)(18) of the Inter-
21 nal Revenue Code of 1986 shall apply to compensa-
22 tion payable under this section in the same manner
23 as such requirement applies to unemployment com-
24 pensation payable under State law.”.

1 (c) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
 2 PENSATION.—Section 2107(a) of division A of the CARES
 3 Act (15 U.S.C. 9025(a)) is amended by adding at the end
 4 the following new paragraph:

5 “(8) APPLICATION OF FUTA REQUIREMENT TO
 6 PERMIT INDIVIDUALS TO REQUEST THAT FEDERAL
 7 INCOME TAX BE WITHHELD.—Beginning 30 days
 8 after the date of enactment of this paragraph, any
 9 agreement under this section shall provide that the
 10 requirement under section 3304(a)(18) of the Inter-
 11 nal Revenue Code of 1986 shall apply to compensa-
 12 tion payable under this section in the same manner
 13 as such requirement applies to unemployment com-
 14 pensation payable under State law.”.

15 **TITLE III—CLARIFICATIONS AND**
 16 **IMPROVEMENTS TO PAN-**
 17 **DEMIC UNEMPLOYMENT AS-**
 18 **SISTANCE**

19 **SEC. 301. CLARIFICATION OF PANDEMIC UNEMPLOYMENT**
 20 **ASSISTANCE ELIGIBILITY FOR PRIMARY**
 21 **CAREGIVING.**

22 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(dd)
 23 of division A of the CARES Act (15 U.S.C.
 24 9021(a)(3)(A)(ii)(I)(dd)) is amended by striking “that is
 25 closed as a direct result of the COVID–19 public health

1 emergency” and inserting “because the school or facility
 2 is closed or only partially reopened due to COVID–19, be-
 3 cause child or family care is not available or affordable
 4 during the hours work is available due to COVID–19, or
 5 because physical attendance at the school or facility pre-
 6 sents an unacceptable health risk for the household or the
 7 individual in need of care due to COVID–19,”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) shall take effect upon the date of the enact-
 10 ment of this Act.

11 **SEC. 302. WAIVER AUTHORITY FOR CERTAIN OVERPAY-**
 12 **MENTS OF PANDEMIC UNEMPLOYMENT AS-**
 13 **SISTANCE.**

14 (a) IN GENERAL.—Section 2102(d) of division A of
 15 the CARES Act (15 U.S.C. 9021(d)) is amended by add-
 16 ing at the end the following:

17 “(4) WAIVER AUTHORITY.—In the case of indi-
 18 viduals who have received amounts of Pandemic Un-
 19 employment Assistance to which they were not enti-
 20 tled, the State shall require such individuals to repay
 21 the amounts of such Pandemic Unemployment As-
 22 sistance to the State agency, except that the State
 23 agency shall waive such repayment if it determines
 24 that—

1 “(A) the payment of such Pandemic Un-
 2 employment Assistance was without fault on the
 3 part of any such individual; and

4 “(B) such repayment would be contrary to
 5 equity and good conscience.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect as if included in the enact-
 8 ment of the CARES Act (Public Law 116–136).

9 **SEC. 303. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
 10 **PLOYMENT ASSISTANCE FOR WORKERS AT**
 11 **BUSINESSES THAT REDUCED STAFF DUE TO**
 12 **THE PANDEMIC.**

13 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(jj) of
 14 division A of the CARES Act (15 U.S.C.
 15 9021(a)(3)(A)(ii)(I)(jj)) is amended by inserting “or its
 16 operations are otherwise curtailed, including by reducing
 17 hours of operation, staffing levels, occupancy, or other
 18 changes that are recommended or required,” after
 19 “closed”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall apply with respect to weeks of unem-
 22 ployment beginning after the date of the enactment of this
 23 Act.

1 **SEC. 304. HOLD HARMLESS FOR PANDEMIC UNEMPLOY-**
2 **MENT ASSISTANCE.**

3 (a) IN GENERAL.—Section 2102(c) of division A of
4 the CARES Act (15 U.S.C. 9021(c)) is amended by add-
5 ing at the end the following:

6 “(4) CONTINUED ELIGIBILITY FOR ASSIST-
7 ANCE.—As a condition of continued eligibility for as-
8 sistance under this section, a covered individual shall
9 submit a recertification to the State for each week
10 after the individual’s 1st week of eligibility that cer-
11 tifies that the individual remains an individual de-
12 scribed in subsection (a)(3)(A)(ii) for such week.”.

13 (b) EFFECTIVE DATE; SPECIAL RULE.—

14 (1) IN GENERAL.—The amendment made by
15 subsection (a) shall apply with respect to weeks be-
16 ginning on or after the date that is 30 days after
17 the date of enactment of this section.

18 (2) SPECIAL RULE.—In the case of any State
19 that made a good faith effort to implement section
20 2102 of division A of the CARES Act (15 U.S.C.
21 9021) in accordance with rules similar to those pro-
22 vided in section 625.6 of title 20, Code of Federal
23 Regulations, for weeks ending before the effective
24 date specified in paragraph (1), an individual who
25 received Pandemic Unemployment Assistance from
26 such State for any such week shall not be considered

1 ineligible for such assistance for such week solely by
 2 reason of failure to submit a recertification described
 3 in subsection (c)(4) of such section.

4 **SEC. 305. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
 5 **PLOYMENT ASSISTANCE FOR WORKERS WITH**
 6 **UNSAFE WORKPLACES.**

7 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(ii) of
 8 division A of the CARES Act (15 U.S.C.
 9 9021(a)(3)(A)(ii)(I)(ii)) is amended—

10 (1) by inserting “or refuse an offer of work”
 11 after “her job”; and

12 (2) by inserting “, including because the work-
 13 place of the individual is not in compliance with all
 14 applicable health and safety guidelines and stand-
 15 ards related to the prevention of occupational expo-
 16 sure to COVID–19, including such guidelines and
 17 standards issued by the Occupational Safety and
 18 Health Administration, State plans approved under
 19 section 18 of the Occupational Safety and Health
 20 Act of 1970 (29 U.S.C. 667), the Centers for Dis-
 21 ease Control and Prevention, and Federal, State,
 22 and local public health authorities” after “COVID–
 23 19”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall apply with respect to weeks beginning
 3 after the date of enactment of this Act.

4 **SEC. 306. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
 5 **PLOYMENT ASSISTANCE FOR WORKERS WHO**
 6 **ARE SELF-QUARANTINING IN ACCORDANCE**
 7 **WITH CDC GUIDELINES.**

8 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I) of di-
 9 vision A of the CARES Act (15 U.S.C.
 10 9021(a)(3)(A)(ii)(I)) is amended—

- 11 (1) in item (jj), by striking “or” at the end;
 12 (2) in item (kk), by striking “or” at the end;
 13 and
 14 (3) by inserting after item (kk) the following:

15 “(ll) the individual is unable
 16 to reach the place of employment
 17 because the individual is self-
 18 quarantining because the indi-
 19 vidual or a member of the indi-
 20 vidual’s household is at increased
 21 risk from COVID–19 based on
 22 guidelines from the Centers for
 23 Disease Control and Prevention
 24 or as determined by a health care
 25 provider;”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall apply with respect to weeks beginning
 3 after the date of enactment of this Act.

4 **SEC. 307. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
 5 **PLOYMENT ASSISTANCE FOR WORKERS WHO**
 6 **HAD TO REDUCE OR SUSPEND CUSTOMARY**
 7 **WORK ACTIVITIES.**

8 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I) of di-
 9 vision A of the CARES Act (15 U.S.C.
 10 9021(a)(3)(A)(ii)(I)), as amended by section 306 of this
 11 Act, is amended by inserting after item (II) the following:

12 “(mm) the COVID–19 pub-
 13 lic health emergency or economic
 14 conditions related to the COVID–
 15 19 public health emergency has
 16 severely limited the individual’s
 17 ability to continue performing the
 18 individual’s customary work ac-
 19 tivities, and has thereby forced
 20 the individual to reduce or sus-
 21 pend such activities; or”.

22 (b) EFFECTIVE DATE.—The amendment made by
 23 subsection (a) shall apply with respect to weeks beginning
 24 after the date of enactment of this Act.

1 **SEC. 308. CLARIFICATION OF CONTINUED ACCESS TO PAN-**
 2 **DEMIC UNEMPLOYMENT ASSISTANCE.**

3 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I) of di-
 4 vision A of the CARES Act (15 U.S.C.
 5 9021(a)(3)(A)(ii)(I)), as amended by section 307 of this
 6 Act, is amended by inserting after item (mm) the fol-
 7 lowing:

8 “(nn) the individual lost his
 9 or her job because of a cir-
 10 cumstance described in items
 11 (aa) through (mm), regardless of
 12 whether the circumstance is still
 13 applicable to the individual; or”.

14 (b) EFFECTIVE DATE.—The amendment made by
 15 subsection (a) shall apply with respect to weeks beginning
 16 after the date of enactment of this Act.

17 **SEC. 309. STATE FLEXIBILITY IN ESTABLISHING INCOME.**

18 (a) IN GENERAL.—Section 2102(d) of division A of
 19 the CARES Act (15 U.S.C. 9021(d)), as amended by sec-
 20 tion 302 of this Act, is amended by adding at the end
 21 the following:

22 “(5) STATE FLEXIBILITY IN ESTABLISHING IN-
 23 COME.—In determining the income of an individual
 24 for purposes of an application for assistance author-
 25 ized under subsection (b), a State may rely on such
 26 wage and self-employment data as the State may

1 elect, including any applicable data with respect to
 2 an individual’s electronically mediated employment.”.

3 (b) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) shall apply with respect to weeks beginning
 5 after the date of enactment of this Act.

6 **TITLE IV—EXTENSION OF RE-** 7 **LIEF TO STATES AND EM-** 8 **PLOYERS**

9 **SEC. 401. EXTENSION OF FULL FEDERAL FUNDING OF EX-** 10 **TENDED UNEMPLOYMENT COMPENSATION.**

11 Subsections (a) and (b) of section 4105 of the Fami-
 12 lies First Coronavirus Response Act (26 U.S.C. 3304
 13 note) are each amended by striking “December 31, 2020”
 14 and inserting “the applicable end date described in section
 15 2107(g)(2) of division A of the CARES Act (15 U.S.C.
 16 9025(g)(2))”.

17 **SEC. 402. EXTENSION OF TEMPORARY ASSISTANCE FOR** 18 **STATES WITH ADVANCES.**

19 Section 1202(b)(10)(A) of the Social Security Act
 20 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
 21 cember 31, 2020” and inserting “the applicable end date
 22 described in section 2107(g)(2) of division A of the
 23 CARES Act (15 U.S.C. 9025(g)(2))”.

1 **SEC. 403. EXTENSION OF EMERGENCY RELIEF FOR GOV-**
 2 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
 3 **GANIZATIONS.**

4 Section 903(i)(1)(D) of the Social Security Act (42
 5 U.S.C. 1103(i)(1)(D)) is amended by striking “December
 6 31, 2020” and inserting “the applicable end date de-
 7 scribed in section 2107(g)(2) of division A of the CARES
 8 Act (15 U.S.C. 9025(g)(2))”.

9 **TITLE V—CORRECTIVE ACTION**
 10 **FOR PROCESSING BACKLOGS**

11 **SEC. 501. STATE REPORTING ON CLAIMS BACKLOGS.**

12 (a) IN GENERAL.—Section 2104 of division A of the
 13 CARES Act (15 U.S.C. 9023) is amended by adding at
 14 the end the following:

15 “(j) STATE ACCOUNTABILITY RELATING TO CLAIMS
 16 BACKLOGS.—As a condition of any agreement under this
 17 section, the following rules shall apply:

18 “(1) CLAIMS REPORTING.—

19 “(A) IN GENERAL.—Each State partici-
 20 pating in such an agreement shall submit to the
 21 Secretary of Labor on a weekly basis a report
 22 on the status in the State of any backlog of the
 23 processing of unemployment claims, including
 24 claims for regular compensation, extended com-
 25 pensation, Pandemic Unemployment Assistance,
 26 and Pandemic Emergency Unemployment Com-

1 pensation. Such report shall include a descrip-
2 tion, with respect to the previous week, of each
3 of the following:

4 “(i) The number of initial claims still
5 in process, disaggregated by the number of
6 such claims still pending—

7 “(I) because of nonmonetary de-
8 terminations;

9 “(II) because of monetary deter-
10 minations;

11 “(III) because of suspected
12 fraud; and

13 “(IV) for any other reason.

14 “(ii) The number of initial claims de-
15 nied.

16 “(iii) The number of individuals with
17 respect to whom a continued claim was
18 paid.

19 “(iv) The number of individuals with
20 respect to whom a continued claim is still
21 in process, disaggregated by the number of
22 such claims still pending—

23 “(I) because of nonmonetary de-
24 terminations;

1 “(II) because of monetary deter-
2 minations;

3 “(III) because of suspected
4 fraud; and

5 “(IV) for any other reason.

6 “(v) The number of individuals with
7 respect to whom a continued claims was
8 denied.

9 “(B) REPORT TO CONGRESS.—Upon re-
10 ceipt of a report described in subparagraph (A),
11 the Secretary of Labor shall publish such report
12 on the website of the Department of Labor and
13 shall submit such report to the Committee on
14 Ways and Means of the House of Representa-
15 tives and the Committee on Finance of the Sen-
16 ate.

17 “(2) CORRECTIVE ACTION PLANS.—

18 “(A) IN GENERAL.—Not later than 90
19 days after the date of enactment of this sub-
20 section and at least every 90 days thereafter,
21 each State participating in such an agreement
22 shall submit to the Secretary of Labor a correc-
23 tive action plan that includes a description of
24 the actions the State has taken and intends to
25 take to address any backlog of the processing of

1 unemployment claims described in paragraph
2 (1)(A). The Secretary may waive the require-
3 ment under this subparagraph with respect to
4 any State that the Secretary determines has
5 made adequate progress in addressing any such
6 backlog.

7 “(B) TECHNICAL ASSISTANCE.—The Sec-
8 retary of Labor shall make technical assistance
9 available to States to the extent feasible to en-
10 able States to develop and implement corrective
11 action plans in accordance with this paragraph.
12 If the Secretary of Labor determines at any
13 time that a State has failed to take reasonable
14 actions under a corrective action plan to ad-
15 dress a claims backlog, the State shall collabo-
16 rate with the Secretary to develop a subsequent
17 corrective action plan to achieve clearly defined,
18 targeted outcomes.

19 “(C) REPORT TO CONGRESS.—Upon re-
20 ceipt of a corrective action plan described in
21 subparagraph (A), the Secretary of Labor shall
22 publish such plan on the website of the Depart-
23 ment of Labor and shall submit such report to
24 the Committee on Ways and Means of the

1 House of Representatives and the Committee
2 on Finance of the Senate.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to weeks beginning
5 after the date of enactment of this Act.

6 **TITLE VI—PANDEMIC UNEM-**
7 **EMPLOYMENT ASSISTANCE FOR**
8 **MIXED EARNERS**

9 **SEC. 601. COVERAGE OF MIXED-INCOME INDIVIDUALS.**

10 (a) IN GENERAL.—Section 2102(c) of division A of
11 the CARES Act (15 U.S.C. 9021(c)), as amended by sec-
12 tion 304 of this Act, is amended by adding at the end
13 the following:

14 “(5) COVERAGE OF MIXED-INCOME INDIVID-
15 UALS.—In the case of an individual who—

16 “(A)(i) would be a covered individual but
17 for subsection (a)(3)(A)(i); or

18 “(ii) is employed but is unable or unavail-
19 able to earn self-employment income because of
20 factors described in subsection (a)(3)(A)(ii) and
21 otherwise satisfies the requirements of sub-
22 section (a)(3);

23 “(B) during the individual’s most recent
24 taxable year ending prior to the individual’s ap-
25 plication for assistance under this section, re-

1 ceived at least \$7,250 from self-employment;
2 and

3 “(C) makes an irrevocable election to be
4 treated as a covered individual under this sec-
5 tion for each week, with respect to which assist-
6 ance under this section is available, that be-
7 gins—

8 “(i) after the date of such election; or

9 “(ii) before such date, but only if the
10 individual did not otherwise receive unem-
11 ployment benefits for such week under this
12 section, section 2104, section 2107, or as
13 determined under State law,

14 such individual shall be treated as a covered indi-
15 vidual described in subsection (d)(2) for such weeks.

16 An individual with respect to which this paragraph
17 applies for a week shall be deemed ineligible for reg-
18 ular compensation or extended benefits under State
19 or Federal law or pandemic emergency unemploy-
20 ment compensation under section 2107 for such
21 week.”.

22 (b) APPLICABILITY.—The amendment made by sub-
23 section (a) shall not apply with respect to a State partici-
24 pating in an agreement under section 2102 of division A
25 of the CARES Act (15 U.S.C. 9021(h)) unless the State

1 so elects, and shall become effective as determined by such
 2 State in agreement with the Secretary of Labor.

3 **TITLE VII—TECHNICAL** 4 **CORRECTIONS**

5 **SEC. 701. GRACE PERIOD FOR FULL FINANCING OF SHORT-** 6 **TIME COMPENSATION PROGRAMS.**

7 Section 2108(c) of division A of the CARES Act (15
 8 U.S.C. 9026(c)) is amended by striking “shall be eligible”
 9 and all that follows through the end and inserting the fol-
 10 lowing:

11 “shall be eligible—

12 “(1) for payments under subsection (a) for
 13 weeks of unemployment beginning after the effective
 14 date of such enactment; and

15 “(2) for an additional payment equal to the
 16 total amount of payments for which the State is eli-
 17 gible pursuant to an agreement under section 2109
 18 for weeks of unemployment before such effective
 19 date.”.

20 **SEC. 702. TECHNICAL CORRECTION FOR THE COMMON-** 21 **WEALTH OF NORTHERN MARIANA ISLANDS.**

22 A Commonwealth Only Transitional Worker (as de-
 23 fined in section 6(i)(2) of the Joint Resolution entitled “A
 24 Joint Resolution to approve the ‘Covenant To Establish
 25 a Commonwealth of the Northern Mariana Islands in Po-

1 litical Union with the United States of America’, and for
2 other purposes’’ (48 U.S.C. 1806)) shall be considered a
3 qualified alien under section 431 of Public Law 104–193
4 (8 U.S.C. 1641) for purposes of eligibility for a benefit
5 under section 2102 or 2104 of the CARES Act.

6 **SEC. 703. TECHNICAL AMENDMENT RELATING TO PAN-**
7 **DEMIC UNEMPLOYMENT ASSISTANCE.**

8 Section 2102(h) of division A of the CARES Act (15
9 U.S.C. 9021(h)) is amended by striking “section 625”
10 each place it appears and inserting “part 625”.

○