

116TH CONGRESS
2D SESSION

H. R. 7762

To provide continued support for workers during the COVID-19 pandemic,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2020

Ms. TORRES SMALL of New Mexico (for herself and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide continued support for workers during the COVID-19 pandemic, 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 “Back on Your Feet
5 Act of 2020”.

6 **SEC. 2. CONTINUED ASSISTANCE TO UNEMPLOYED WORK-**
7 **ERS UNABLE TO SAFELY RETURN TO WORK.**

8 (a) EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-
9 MENT COMPENSATION.—

1 (1) IN GENERAL.—Section 2104(e) of the
2 CARES Act (15 U.S.C. 9023(e)) is amended to read
3 as follows:

4 “(e) APPLICABILITY.—

5 “(1) IN GENERAL.—An agreement entered into
6 under this section shall apply to weeks of unemploy-
7 ment—

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

10 “(B) ending on or before January 31,
11 2021.

12 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
13 MAINING ENTITLED TO REGULAR COMPENSATION AS
14 OF JANUARY 31, 2021.—In the case of any individual
15 who, as of the date specified in paragraph (1)(B),
16 has not yet exhausted all rights to regular com-
17 pensation under the State law of a State with re-
18 spect to a benefit year that began before such date,
19 Federal Pandemic Unemployment Compensation
20 shall continue to be payable to such individual for
21 any week beginning on or after such date for which
22 the individual is otherwise eligible for regular com-
23 pensation with respect to such benefit year.

24 “(3) TERMINATION.—Notwithstanding any
25 other provision of this subsection, no Federal Pan-

1 demic Unemployment Compensation shall be payable
2 for any week beginning after July 31, 2021.”.

3 (2) LIMITATION ON APPLICATION OF TRANSI-
4 TION RULE.—Section 2104(g) of such Act is amend-
5 ed by inserting “(except for subsection (e)(2))” after
6 “the preceding provisions of this section”.

7 (3) DISREGARD OF FEDERAL PANDEMIC UNEM-
8 PLOYMENT COMPENSATION FOR CERTAIN PUR-
9 POSES.—Section 2104(h) of such Act is amended to
10 read as follows:

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

23 (b) EXTENSION AND BENEFIT PHASEOUT RULE FOR
24 PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section

1 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amend-
2 ed—

3 (1) in paragraph (1)—

4 (A) by striking “paragraph (2)” and in-
5 serting “paragraphs (2) and (3)”; and

6 (B) in subparagraph (A)(ii), by striking
7 “December 31, 2020” and inserting “January
8 31, 2021”; and

9 (2) by redesignating paragraph (3) as para-
10 graph (4); and

11 (3) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) TRANSITION RULE FOR INDIVIDUALS RE-
14 MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT
15 ASSISTANCE AS OF JANUARY 31, 2021.—

16 “(A) IN GENERAL.—In the case of any in-
17 dividual who, as of the date specified in para-
18 graph (1)(A)(ii), is receiving Pandemic Unem-
19 ployment Assistance but has not yet exhausted
20 all rights to such assistance under this section,
21 Pandemic Unemployment Assistance shall con-
22 tinue to be payable to such individual for any
23 week beginning on or after such date for which
24 the individual is otherwise eligible for Pandemic
25 Unemployment Assistance.

1 “(B) TERMINATION.—Notwithstanding
2 any other provision of this subsection, no Pan-
3 demic Unemployment Assistance shall be pay-
4 able for any week beginning after October 31,
5 2021.”.

6 (c) EXTENSION AND BENEFIT PHASEOUT RULE FOR
7 PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSA-
8 TION.—Section 2107(g) of the CARES Act (15 U.S.C.
9 9025(g)) is amended to read as follows:

10 “(g) APPLICABILITY.—

11 “(1) IN GENERAL.—An agreement entered into
12 under this section shall apply to weeks of unemploy-
13 ment—

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

16 “(B) ending on or before January 31,
17 2021.

18 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
19 MAINING ENTITLED TO PANDEMIC EMERGENCY UN-
20 EMPLOYMENT COMPENSATION AS OF JANUARY 31,
21 2021.—In the case of any individual who, as of the
22 date specified in paragraph (1)(A)(ii), is receiving
23 Pandemic Emergency Unemployment Compensation
24 but has not yet exhausted all rights to such assist-
25 ance under this section, Pandemic Emergency Un-

employment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for Pandemic Emergency Unemployment Compensation.

“(3) TERMINATION.—Notwithstanding any other provision of this subsection, no Pandemic Emergency Unemployment Compensation shall be payable for any week beginning after April 30, 2021.”.

SEC. 3. BACK ON YOUR FEET PAY TO SUPPORT RETURN TO WORK.

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

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

“(2) BACK ON YOUR FEET PAY.—

“(A) IN GENERAL.—Any agreement under this section shall also provide that the State agency of the State shall make a one-time payment in the amount of \$3,600 to each individual who—

1 “(i) was eligible for Federal Pandemic
2 Unemployment Compensation under para-
3 graph (1) for any week beginning after the
4 date of enactment of the Back on Your
5 Feet Act of 2020; and

6 “(ii) is no longer so eligible (as deter-
7 mined by the State), as a result of earn-
8 ings due to commencing employment.

9 A payment made to an individual under this
10 subparagraph shall be made as soon as prac-
11 ticable after the last week for which the indi-
12 vidual is so eligible. In no case may an indi-
13 vidual receive more than one payment under
14 this subparagraph.

15 “(B) PERIOD OF INELIGIBILITY.—Not-
16 withstanding any other provision of this section,
17 an individual who receives a payment under
18 subparagraph (A) shall be ineligible for Federal
19 Pandemic Unemployment Compensation for a
20 6-week period beginning with the first week in
21 which the individual commenced employment as
22 described in such subparagraph.

23 “(C) SPECIAL RULE.—Payments made
24 pursuant to an agreement under this paragraph
25 shall not be considered to violate the withdrawal

1 requirements of section 303(a)(5) of the Social
2 Security Act (42 U.S.C. 503(a)(5)) or section
3 3304(a)(4) of the Internal Revenue Code of
4 1986.

5 “(D) TAX TREATMENT OF PAYMENT.—
6 Federal individual income tax attributable to a
7 payment under subparagraph (A) shall be de-
8 ducted and withheld from such payment at a
9 rate of 10 percent if an individual receiving
10 such payment makes a request to the State for
11 such deduction and withholding.”.

12 (b) CONFORMING AMENDMENTS.—Section 2104 of
13 such Act is amended—

14 (1) by inserting “and payments under sub-
15 section (b)(2)” after “Federal Pandemic Unemploy-
16 ment Compensation” each place it appears in sub-
17 section (d) or (f) of such section; and

18 (2) in subsection (g), by inserting “, as such
19 provisions apply with respect to Federal Pandemic
20 Unemployment Compensation,” after “the preceding
21 provisions of this section”.

22 (c) APPLICABILITY OF AMENDMENTS.—The amend-
23 ments made by this section shall apply only in the case
24 of States that receive an emergency administration grant
25 under section 903(j) of the Social Security Act.

1 **SEC. 4. STATE POLICIES ENSURING SAFE RETURN TO**
2 **WORK AND EMERGENCY TRANSFERS FOR UN-**
3 **EMPLOYMENT CLAIMS PROCESSING AND**
4 **BENEFIT ADMINISTRATION.**

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

8 “State Policies to Ensure Safe Return to Work and
9 Emergency Transfers for Administration

10 “(j)(1)(A) In addition to any other amounts, the Sec-
11 retary of Labor shall provide for the making of emergency
12 administration grants to the accounts of the States in the
13 Unemployment Trust Fund, by transfer from amounts re-
14 served for that purpose in the Federal unemployment ac-
15 count, in accordance with succeeding provisions of this
16 subsection.

17 “(B) The amount of an emergency administration
18 grant with respect to a State shall, as determined by the
19 Secretary of Labor, be equal to \$2,000,000,000 multiplied
20 by the ratio that the amount certified for the base admin-
21 istrative grant to the State for fiscal year 2020 under sec-
22 tion 302(a) bears to the total amount certified for base
23 administrative grants to all States for fiscal year 2020
24 under such section.

25 “(C) The amount described in subparagraph (B) with
26 respect to a State shall be transferred to the account of

1 such State upon a certification by the Secretary of Labor
2 to the Secretary of the Treasury that the State has pro-
3 vided documentation of policies, regulations, or laws dem-
4 onstrating that the State will, as a condition of the grant
5 at least through the end of calendar year 2021—

6 “(i) provide that if unreasonable health and
7 safety risks are present with respect to an employ-
8 ment position for an individual or any member of
9 the individual’s household, due to employer safety
10 policies or to specific risk factors of the individual or
11 member of the individual’s household (particularly in
12 the case of older, immunocompromised, or disabled
13 individuals), the presence of such risks constitutes
14 good cause—

15 “(I) for the individual to separate from
16 such employment position; and

17 “(II) in the case of an individual who is
18 unemployed, for refusing an offer of suitable
19 employment in such employment position (re-
20 gardless of whether such offer of employment
21 would pay wages that are equal to or greater
22 than the individual’s previous wages); and

23 “(ii) provide that in the case of individuals who
24 have received amounts of unemployment compensa-
25 tion to which they were not entitled, the State shall

1 require such individuals to repay the amounts of un-
2 employment compensation to the State agency, ex-
3 cept that the State agency shall waive such repay-
4 ment if it determines that—

5 “(I) the payment of such unemployment
6 compensation was without fault on the part of
7 any such individual; and

8 “(II) such repayment would be contrary to
9 equity and good conscience.

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, including information technology systems
14 improvements and upgrades that enhance the user experi-
15 ence and timeliness of—

16 “(A) applying for benefits;

17 “(B) processing of benefits;

18 “(C) receiving benefits; and

19 “(D) implementing future policy changes in-
20 cluding flexibility in reprogramming.

21 A State shall conduct user testing of any such improve-
22 ments and upgrades in advance of full implementation to
23 ensure that they will meet each of the criteria described
24 in this paragraph, including during any potential surges
25 in the number of initial claims.

1 “(3) A State seeking a grant under this subsection
2 shall submit an application to the Secretary of Labor with
3 such information as the Secretary may require not later
4 than June 30, 2022. The Secretary of Labor shall assist
5 states in meeting the conditions of receiving the grant, in-
6 cluding by providing technical assistance and guidance.

7 “(4)(A) Notwithstanding any other provision of law,
8 the Secretary of the Treasury shall transfer from the gen-
9 eral fund of the Treasury (from funds not otherwise ap-
10 propriated) to the employment security administration ac-
11 count (as established by section 901 of the Social Security
12 Act) such sums as the Secretary of Labor estimates to
13 be necessary for purposes of making the transfers de-
14 scribed in paragraph (1)(C).

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

19 (b) GRANTS TO CERTAIN TERRITORIES FOR ADMIN-
20 ISTRATION OF PANDEMIC UNEMPLOYMENT ASSISTANCE
21 AND FEDERAL PANDEMIC UNEMPLOYMENT COMPENSA-
22 TION.—

23 (1) IN GENERAL.—The Secretary of Labor shall
24 make an emergency grant to each of the territories
25 specified in paragraph (2), in an amount to be allo-

1 cated proportionately based on population, for the
2 administration of Pandemic Unemployment Assist-
3 ance and Federal Pandemic Unemployment Com-
4 pensation in such territory.

5 (2) ELIGIBLE TERRITORIES.—The Territories
6 specified in this paragraph are Guam, American
7 Samoa, the Commonwealth of the Northern Mariana
8 Islands, the Federated States of Micronesia, the Re-
9 public of the Marshall Islands, and the Republic of
10 Palau.

11 (3) APPLICATION.—A territory seeking a grant
12 under this subsection shall submit an application to
13 the Secretary of Labor with such information as the
14 Secretary may require not later than June 30, 2022.
15 The Secretary of Labor shall assist territories in
16 meeting the conditions of receiving the grant, includ-
17 ing by providing technical assistance and guidance.
18 An application submitted by a territory for a grant
19 under this subsection shall include documentation of
20 policies, regulations, or laws demonstrating that the
21 territory will, as a condition of the grant at least
22 through the end of calendar year 2021, satisfy the
23 requirements of clauses (i) and (ii) of section
24 903(j)(1)(C) of the Social Security Act.

1 (4) FUNDING.—There are appropriated from
2 the general fund of the Treasury, out of any money
3 in the Treasury not otherwise appropriated,
4 \$3,000,000 for grants under this subsection, to re-
5 main available until expended.

6 **SEC. 5. WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS**
7 **OF PANDEMIC UNEMPLOYMENT ASSISTANCE.**

8 Section 2102(d) of the CARES Act (15 U.S.C.
9 9021(d)) is amended by adding at the end the following:

10 “(4) WAIVER AUTHORITY.—In the case of indi-
11 viduals who have received amounts of Pandemic Un-
12 employment Assistance to which they were not enti-
13 tled, the State shall require such individuals to repay
14 the amounts of such Pandemic Unemployment As-
15 sistance to the State agency, except that the State
16 agency shall waive such repayment if it determines
17 that—

18 “(A) the payment of such Pandemic Un-
19 employment Assistance was without fault on the
20 part of any such individual; and

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

1 **SEC. 6. STATE REPORTING ON CLAIMS BACKLOGS.**

2 (a) IN GENERAL.—Section 2104 of the CARES Act
3 (15 U.S.C. 9023) is amended by adding at the end the
4 following:

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

8 “(1) CLAIMS REPORTING.—

9 “(A) IN GENERAL.—Each State partici-
10 pating in such an agreement shall submit to the
11 Secretary of Labor on a weekly basis a report
12 on the status in the State of any backlog of the
13 processing of unemployment claims, including
14 claims for regular compensation, extended com-
15 pensation, Pandemic Unemployment Assistance,
16 and Pandemic Emergency Unemployment Com-
17 pensation. Such report shall include a descrip-
18 tion, with respect to the previous week, of each
19 of the following:

20 “(i) The number of initial claims still
21 in process, disaggregated by the number of
22 such claims still pending—

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

25 “(II) because of monetary deter-
26 minations;

1 “(III) because of suspected
2 fraud; and

3 “(IV) for any other reason.

4 “(ii) The number of initial claims de-
5 nied.

6 “(iii) The number of individuals with
7 respect to whom a continued claim was
8 paid.

9 “(iv) The number of individuals with
10 respect to whom a continued claim is still
11 in process, disaggregated by the number of
12 such claims still pending—

13 “(I) because of nonmonetary de-
14 terminations;

15 “(II) because of monetary deter-
16 minations;

17 “(III) because of suspected
18 fraud; and

19 “(IV) for any other reason.

20 “(v) The number of individuals with
21 respect to whom a continued claims was
22 denied.

23 “(B) REPORT TO CONGRESS.—Upon re-
24 ceipt of a report described in subparagraph (A),
25 the Secretary of Labor shall publish such report

1 on the website of the Department of Labor and
2 shall submit such report to the Committee on
3 Ways and Means of the House of Representa-
4 tives and the Committee on Finance of the Sen-
5 ate.

6 “(2) CORRECTIVE ACTION PLANS.—

7 “(A) IN GENERAL.—Not later than 90
8 days after the date of enactment of this sub-
9 section and at least every 90 days thereafter,
10 each State participating in such an agreement
11 shall submit to the Secretary of Labor a correc-
12 tive action plan that includes a description of
13 the actions the State has taken and intends to
14 take to address any backlog of the processing of
15 unemployment claims described in paragraph
16 (1)(A).

17 “(B) TECHNICAL ASSISTANCE.—The Sec-
18 retary of Labor shall make technical assistance
19 available to States to the extent feasible to en-
20 able States to develop and implement corrective
21 action plans in accordance with this paragraph.
22 If the Secretary of Labor determines at any
23 time that a State has failed to take reasonable
24 actions under a corrective action plan to ad-
25 dress a claims backlog, the State shall collabo-

1 rate with the Secretary to develop a subsequent
2 corrective action plan to achieve clearly defined,
3 targeted outcomes.

4 “(C) REPORT TO CONGRESS.—Upon re-
5 ceipt of a corrective action plan described in
6 subparagraph (A), the Secretary of Labor shall
7 publish such plan on the website of the Depart-
8 ment of Labor and shall submit such report to
9 the Committee on Ways and Means of the
10 House of Representatives and the Committee
11 on Finance of the Senate.”.

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

○