

(5) Eligible business

The term “eligible business” means any small business concern, with priority for small business concerns owned and controlled by women (as defined in section 632(n) of this title), small business concerns owned and controlled by veterans (as defined in section 632(q) of this title), and socially and economically disadvantaged small business concerns (as defined in section 637(a)(4)(A) of this title).

(6) Private nonprofit organization

The term “private nonprofit organization” means an entity that is described in section 501(c) of title 26 and exempt from tax under section 501(a) of such title.

(7) Resource partner

The term “resource partner” means—

- (A) a small business development center (as defined in section 632 of this title);
- (B) a women’s business center (as described in section 656 of this title); and
- (C) a chapter of the Service Corps of Retired Executives (as defined in section 637(b)(1)(B) of this title).

(8) Small business concern

The term “small business concern” has the meaning given under section 632 of this title.

(9) State

The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam, or an agency, instrumentality, or fiscal agent thereof.

(10) Unit of general local government

The term “unit of general local government” means a county, city, town, village, or other general purpose political subdivision of a State.

(b) Community Navigator pilot program**(1) In general**

The Administrator of the Small Business Administration shall establish a Community Navigator pilot program to make grants to, or enter into contracts or cooperative agreements with, private nonprofit organizations, resource partners, States, Tribes, and units of local government to ensure the delivery of free community navigator services to current or prospective owners of eligible businesses in order to improve access to assistance programs and resources made available because of the COVID-19 pandemic by Federal, State, Tribal, and local entities.

(2) Appropriations

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2022, for carrying out this subsection.

(c) Outreach and education**(1) Promotion**

The Administrator shall develop and implement a program to promote community navi-

gator services to current or prospective owners of eligible businesses.

(2) Call center

The Administrator shall establish a telephone hotline to offer information about Federal programs to assist eligible businesses and offer referral services to resource partners, community navigators, potential lenders, and other persons that the Administrator determines appropriate for current or prospective owners of eligible businesses.

(3) Outreach

The Administrator shall—

- (A) conduct outreach and education, in the 10 most commonly spoken languages in the United States, to current or prospective owners of eligible businesses on community navigator services and other Federal programs to assist eligible businesses;
- (B) improve the website of the Administration to describe such community navigator services and other Federal programs; and
- (C) implement an education campaign by advertising in media targeted to current or prospective owners of eligible businesses.

(4) Appropriations

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$75,000,000, to remain available until September 30, 2022, for carrying out this subsection.

(d) Sunset

The authority of the Administrator to make grants under this section shall terminate on December 31, 2025.

(Pub. L. 117-2, title V, § 5004, Mar. 11, 2021, 135 Stat. 90.)

Editorial Notes

CODIFICATION

Section was enacted as part of the American Rescue Plan Act of 2021, and not as part of the CARES Act which in part comprises this chapter.

SUBCHAPTER II—UNEMPLOYMENT
INSURANCE PROVISIONS**§ 9021. Pandemic unemployment assistance****(a) Definitions**

In this section:

(1) COVID-19

The term “COVID-19” means the 2019 Novel Coronavirus or 2019-nCoV.

(2) COVID-19 public health emergency

The term “COVID-19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) Covered individual

The term “covered individual”—

(A) means an individual who—

- (i) is not eligible for regular compensation or extended benefits under State or

Federal law or pandemic emergency unemployment compensation under section 9025 of this title, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 9025 of this title;

(ii) provides self-certification that the individual—

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

(aa) the individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(bb) a member of the individual's household has been diagnosed with COVID-19;

(cc) the individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;

(ii) the individual has to quit his or her job as a direct result of COVID-19;

(jj) the individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(II) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 9025 of

this title, and meets the requirements of subclause (I); and

(iii) provides documentation to substantiate employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the later of the date on which the individual submits an application for pandemic unemployment assistance under this section or the date on which an individual is directed by the State Agency to submit such documentation in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such deadline may be extended if the individual has shown good cause under applicable State law for failing to submit such documentation; and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(I).

(4) Secretary

The term "Secretary" means the Secretary of Labor.

(5) State

The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(b) Assistance for unemployment as a result of COVID-19

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26) or waiting period credit.

(c) Applicability

(1) In general

Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual—

(A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID-19—

(i) beginning on or after January 27, 2020; and

(ii) ending on or before September 6, 2021; and

(B) subject to subparagraph (A)(ii), as long as the covered individual's unemployment, partial unemployment, or inability to work caused by COVID-19 continues.

(2) Limitation on duration of assistance

The total number of weeks for which a covered individual may receive assistance under

this section shall not exceed 79 weeks and such total shall include any week for which the covered individual received regular compensation or extended benefits under any Federal or State law, except that if after March 27, 2020, the duration of extended benefits is extended, the 79-week period described in this paragraph shall be extended by the number of weeks that is equal to the number of weeks by which the extended benefits were extended.

(3) Assistance for unemployment before March 27, 2020

The Secretary shall establish a process for making assistance under this section available for weeks beginning on or after January 27, 2020, and before March 27, 2020.

(4) Redesignated (3)

(5) Appeals by an individual

(A) In general

An individual may appeal any determination or redetermination regarding the rights to pandemic unemployment assistance under this section made by the State agency of any of the States.

(B) Procedure

All levels of appeal filed under this paragraph in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands—

(i) shall be carried out by the applicable State that made the determination or redetermination; and

(ii) shall be conducted in the same manner and to the same extent as the applicable State would conduct appeals of determinations or redeterminations regarding rights to regular compensation under State law.

(C) Procedure for certain territories

With respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau—

(i) lower level appeals shall be carried out by the applicable entity within the State;

(ii) if a higher level appeal is allowed by the State, the higher level appeal shall be carried out by the applicability entity within the State; and

(iii) appeals described in clauses (i) and (ii) shall be conducted in the same manner and to the same extent as appeals of regular unemployment compensation are conducted under the unemployment compensation law of Hawaii.

(6) Continued eligibility for assistance

As a condition of continued eligibility for assistance under this section, a covered individual shall submit a recertification to the State for each week after the individual's 1st week of eligibility that certifies that the individual remains an individual described in subsection (a)(3)(A)(ii) for such week.

(d) Amount of assistance

(1) In general

The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall be—

(A)(i) the weekly benefit amount authorized under the unemployment compensation law of the State where the covered individual was employed, except that the amount may not be less than the minimum weekly benefit amount described in section 625.6 of title 20, Code of Federal Regulations, or any successor thereto; and

(ii) the amount of Federal Pandemic Unemployment Compensation under section 9023 of this title; and

(B) in the case of an increase of the weekly benefit amount after March 27, 2020, increased in an amount equal to such increase.

(2) Calculations of amounts for certain covered individuals

In the case of a covered individual who is self-employed, who lives in a territory described in subsection (c) or (d) of section 625.6 of title 20, Code of Federal Regulations, or who would not otherwise qualify for unemployment compensation under State law, the assistance authorized under subsection (b) for a week of unemployment shall be calculated in accordance with section 625.6 of title 20, Code of Federal Regulations, or any successor thereto, and shall be increased by the amount of Federal Pandemic Unemployment Compensation under section 9023 of this title.

(3) Allowable methods of payment

Any assistance provided for in accordance with paragraph (1)(A)(ii) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as the assistance provided for in paragraph (1)(A)(i) is payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any assistance provided for in paragraph (1)(A)(i).

(4) Waiver authority

In the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(e) Waiver of State requirement

Notwithstanding State law, for purposes of assistance authorized under this section, compensation under this Act shall be made to an individual otherwise eligible for such compensation without any waiting period.

(f) Agreements with States**(1) In general**

The Secretary shall provide the assistance authorized under subsection (b) through agreements with States which, in the judgment of the Secretary, have an adequate system for administering such assistance through existing State agencies, including procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable.

(2) Payments to States

There shall be paid to each State which has entered into an agreement under this subsection an amount equal to 100 percent of—

(A) the total amount of assistance provided by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary), including any administrative expenses necessary to facilitate processing of applications for assistance under this section online or by telephone rather than in-person and expenses related to identity verification or validation and timely and accurate payment.

(3) Terms of payments

Sums payable to any State by reason of such State's having an agreement under this subsection shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(g) Funding**(1) Assistance****(A) In general**

Funds in the extended unemployment compensation account (as established by section 1105(a) of title 42) of the Unemployment Trust Fund (as established by section 1104(a) of title 42) shall be used to make payments to States pursuant to subsection (f)(2)(A).

(B) Transfer of funds

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the pre-

ceding sentence and such sums shall not be required to be repaid.

(2) Administrative expenses**(A) In general**

Funds in the employment security administration account (as established by section 1101(a) of title 42) of the Unemployment Trust Fund (as established by section 1104(a) of title 42) shall be used to make payments to States pursuant to subsection (f)(2)(B).

(B) Transfer of funds

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) Certifications

The Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under paragraphs (1) and (2).

(h) Relationship between pandemic unemployment assistance and disaster unemployment assistance

Except as otherwise provided in this section or to the extent there is a conflict between this section and part 625 of title 20, Code of Federal Regulations, such part 625 shall apply to this section as if—

(1) the term “COVID-19 public health emergency” were substituted for the term “major disaster” each place it appears in such part 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such part 625.

(Pub. L. 116-136, div. A, title II, §2102, Mar. 27, 2020, 134 Stat. 313; Pub. L. 116-260, div. N, title II, §§201(a)-(c)(1), (d), 209(a), 241(a), 242(a), 263(a), Dec. 27, 2020, 134 Stat. 1950-1952, 1956, 1959, 1960, 1963; Pub. L. 117-2, title IX, §9011(a), (b), Mar. 11, 2021, 135 Stat. 118.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (e), is div. A of Pub. L. 116-136, Mar. 27, 2020, 134 Stat. 286. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2021—Subsec. (c)(1). Pub. L. 117-2, §9011(a)(1)(A), substituted “paragraph (2)” for “paragraphs (2) and (3)” in introductory provisions.

Subsec. (c)(1)(A)(ii). Pub. L. 117-2, §9011(a)(1)(B), substituted “September 6, 2021” for “March 14, 2021”.

Subsec. (c)(2). Pub. L. 117-2, §9011(b), substituted “79 weeks” for “50 weeks” and “79-week period” for “50-week period”.

Subsec. (c)(3), (4). Pub. L. 117-2, §9011(a)(2), redesignated par. (4) as (3) and struck out former par. (3) which

related to a transition rule for individuals remaining entitled to pandemic unemployment assistance as of Mar. 14, 2021.

2020—Subsec. (a)(3)(A)(iii). Pub. L. 116-260, §241(a), added cl. (iii).

Subsec. (c)(1). Pub. L. 116-260, §201(a)(1)(A), substituted “paragraphs (2) and (3)” for “paragraph (2)” in introductory provisions.

Subsec. (c)(1)(A)(ii). Pub. L. 116-260, §201(a)(1)(B), substituted “March 14, 2021” for “December 31, 2020”.

Subsec. (c)(2). Pub. L. 116-260, §201(b), substituted “50 weeks” for “39 weeks” and “50-week period” for “39-week period”.

Subsec. (c)(3), (4). Pub. L. 116-260, §201(a)(2), (3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c)(5). Pub. L. 116-260, §201(c)(1), added par. (5).

Subsec. (c)(6). Pub. L. 116-260, §263(a), added par. (6).

Subsec. (d)(4). Pub. L. 116-260, §201(d), added par. (4).

Subsec. (f)(1). Pub. L. 116-260, §242(a)(1), inserted “, including procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable” before period at end.

Subsec. (f)(2)(B). Pub. L. 116-260, §242(a)(2), inserted “and expenses related to identity verification or validation and timely and accurate payment” before period at end.

Subsec. (h). Pub. L. 116-260, §209(a), substituted “part 625” for “section 625” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-2, title IX, §9011(d), Mar. 11, 2021, 135 Stat. 118, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment ending on or before March 14, 2021.”

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. N, title II, §201(c)(2), Dec. 27, 2020, 134 Stat. 1952, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if enacted as part of division A of the CARES Act (Public Law 116-136), except that any decision issued on appeal or review before the date of enactment of this Act [Dec. 27, 2020] shall not be affected by the amendment made by paragraph (1).”

Pub. L. 116-260, div. N, title II, §201(g), Dec. 27, 2020, 134 Stat. 1952, provided that: “The amendments made by subsections (a), (b), (c), and (d) [amending this section] shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act [Dec. 27, 2020].”

Pub. L. 116-260, div. N, title II, §209(b), Dec. 27, 2020, 134 Stat. 1956, provided that: “The amendment made by this section [amending this section] shall take effect as if included in section 2102 of the CARES Act (Public Law 116-136) [enacting this section].”

Pub. L. 116-260, div. N, title II, §241(b), Dec. 27, 2020, 134 Stat. 1960, provided that:

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by subsection (a) [amending this section] shall apply to any individual who files a new application for pandemic unemployment assistance or claims pandemic unemployment assistance for any week of unemployment under section 2102 of the CARES Act (15 U.S.C. 9021) on or after January 31, 2021.

“(2) SPECIAL RULE.—An individual who received pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) for any week ending before the date of enactment of this Act [Dec. 27, 2020] shall not be considered ineligible for such assistance

for such week solely by reason of failure to submit documentation described in clause (iii) of subsection (a)(3)(A) of such section 2102, as added by subsection (a).

“(3) PRIOR APPLICANTS.—With respect to an individual who applied for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) before January 31, 2021, and receives such assistance on or after the date of enactment of this Act, clause (iii) of subsection (a)(3)(A) of such section shall be applied by substituting ‘90 days’ for ‘21 days’.”

Pub. L. 116-260, div. N, title II, §242(b), Dec. 27, 2020, 134 Stat. 1960, provided that: “The requirements imposed by the amendments made by this section [amending this section] shall apply, with respect to agreements made under section 2102 of the CARES Act [Pub. L. 116-136, enacting this section], beginning on the date that is 30 days after the date of enactment of this Act [Dec. 27, 2020].”

Pub. L. 116-260, div. N, title II, §263(b), Dec. 27, 2020, 134 Stat. 1963, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] shall apply with respect to weeks beginning on or after the date that is 30 days after the date of enactment of this section [Dec. 27, 2020].

“(2) SPECIAL RULE.—In the case of any State that made a good faith effort to implement section 2102 of division A of the CARES Act (15 U.S.C. 9021) in accordance with rules similar to those provided in section 625.6 of title 20, Code of Federal Regulations, for weeks ending before the effective date specified in paragraph (1), an individual who received pandemic unemployment assistance from such State for any such week shall not be considered ineligible for such assistance for such week solely by reason of failure to submit a recertification described in subsection (c)(5) of such section 2102.”

HOLD HARMLESS FOR PROPER ADMINISTRATION OF AMENDMENT

Pub. L. 117-2, title IX, §9011(c), Mar. 11, 2021, 135 Stat. 118, provided that: “In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act [Mar. 11, 2021] and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 9016(b) of this title [amending section 9025 of this title], any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.”

Pub. L. 116-260, div. N, title II, §201(e), Dec. 27, 2020, 134 Stat. 1952, provided that: “In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 [of] the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act [Dec. 27, 2020] and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 206(b) of this subtitle [amending section 9025 of this title], any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a pay-

ment for assistance under section 2107 for the same week of unemployment.”

FIRST APPLICATION LIMITATION

Pub. L. 116-260, div. N, title II, §201(f), Dec. 27, 2020, 134 Stat. 1952, provided that: “In the case of a covered individual whose first application for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) is filed after the date of enactment of this Act [Dec. 27, 2020], subsection (c)(1)(A)(i) of such section 2102 shall be applied by substituting ‘December 1, 2020’ for ‘January 27, 2020’.”

TECHNICAL CORRECTION FOR THE COMMONWEALTH OF NORTHERN MARIANA ISLANDS

Pub. L. 116-260, div. N, title II, §265, Dec. 27, 2020, 134 Stat. 1964, provided that: “A Commonwealth Only Transitional Worker (as defined in section 6(1)(2) of the Joint Resolution entitled ‘A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’’, and for other purposes’ (48 U.S.C. 1806)) shall be considered a qualified alien under section 431 of Public Law 104-193 (8 U.S.C. 1641) for purposes of eligibility for a benefit under section 2102 or 2104 of the CARES Act [15 U.S.C. 9021, 9023].”

§ 9022. Flexibility in paying reimbursement

The Secretary of Labor may issue clarifying guidance to allow States to interpret their State unemployment compensation laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and assessment of penalties and interest pursuant to such State laws.

(Pub. L. 116-136, div. A, title II, §2103(a), Mar. 27, 2020, 134 Stat. 317.)

§ 9023. Emergency increase in unemployment compensation benefits

(a) Federal-State agreements

Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the “Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) Provisions of agreement

(1) Federal Pandemic Unemployment Compensation

Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents’ allowances) payable for any week shall be equal to—

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount equal to the amount specified in paragraph (3) (in this section referred to as “Federal Pandemic Unemployment Compensation”), plus

(C) an additional amount of \$100 (in this section referred to as “Mixed Earner Unemployment Compensation”) in any case in which the individual received at least \$5,000 of self-employment income (as defined in section 1402(b) of title 26) in the most recent taxable year ending prior to the individual’s application for regular compensation.

(2) Allowable methods of payment

Any Federal Pandemic Unemployment Compensation or Mixed Earner Unemployment Compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(3) Amount of Federal Pandemic Unemployment Compensation

(A)¹ In general

The amount specified in this paragraph is the following amount:

(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before September 6, 2021, \$300.

(4) Certain documentation required

An agreement under this section shall include a requirement, similar to the requirement under section 9021(a)(3)(A)(iii) of this title, for the substantiation of self-employment income with respect to each applicant for Mixed Earner Unemployment Compensation under paragraph (1)(C).

(c) Nonreduction rule

(1) In general

An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), or the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement (determined disregarding any Federal Pandemic Unemployment Compensation or Mixed Earner Unemployment Compensation) will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) Maximum benefit entitlement

In paragraph (1), the term “maximum benefit entitlement” means the amount of regular

¹ So in original. No subpar. (B) has been enacted.