

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)<sup>1</sup> 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

<sup>1</sup> So in original. No subpar. (B) has been enacted.