

Aliens and Nationality, for purposes of eligibility for a benefit under this section, see section 265 of div. N of Pub. L. 116-260, set out as a note under section 9021 of this title.

§ 9024. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week

(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) Requirement that State law does not apply a waiting week

A State is eligible to enter into an agreement under this section if the State law (including a waiver of State law) provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. 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 State law no longer meets the requirement under the preceding sentence.

(c) Payments to States

(1) Full reimbursement

Except as provided in paragraph (3), there shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(A) the total amount of regular compensation paid to individuals by the State for their first week of regular unemployment; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) Terms of payments

Sums payable to any State by reason of such State’s having an agreement under this section 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 section 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.

(d) Funding

(1) Compensation

(A) In general

Funds in the Federal unemployment account (as established by section 905(g))¹ of the Unemployment Trust Fund (as estab-

lished by section 904(a))¹ shall be used to make payments under subsection (c)(1)(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 Federal unemployment 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.

(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 (c)(1)(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 shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) Applicability

An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before September 6, 2021.

(f) Fraud and overpayments

The provisions of section 9025(e) of this title shall apply with respect to compensation paid under an agreement under this section to the same extent and in the same manner as in the case of pandemic emergency unemployment compensation under such section.

(g) Definitions

For purposes of this section, the terms “regular compensation”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(Pub. L. 116-136, div. A, title II, §2105, Mar. 27, 2020, 134 Stat. 321; Pub. L. 116-260, div. N, title II, §204, Dec. 27, 2020, 134 Stat. 1953; Pub. L. 117-2, title IX, §9014, Mar. 11, 2021, 135 Stat. 119.)

¹ So in original. See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 905(g) and section 904(a), referred to in subsec. (d)(1)(A), probably mean sections 905(g) and 904(a) of the Social Security Act. However, section 905(g) probably should be a reference to section 904(g) as there is no subsec. (g) in section 905 of the Act, and section 904(g) establishes the Federal unemployment account. Section 904(a) and (g) is classified to section 1104(a) and (g), respectively, of Title 42, The Public Health and Welfare.

Section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (g), is section 205 of Pub. L. 91-373, which is set out in a note under section 3304 of Title 26, Internal Revenue Code.

AMENDMENTS

2021—Subsec. (c)(3). Pub. L. 117-2, §9014(b), struck out par. (3). Text read as follows: “With respect to compensation paid to individuals for weeks of unemployment ending after December 31, 2020, paragraph (1) shall be applied by substituting ‘50 percent’ for ‘100 percent.’”

Subsec. (e)(2). Pub. L. 117-2, §9014(a), substituted “September 6, 2021” for “March 14, 2021”.

2020—Subsec. (c)(1). Pub. L. 116-260, §204(1)(A), substituted “Except as provided in paragraph (3), there shall be paid” for “There shall be paid” in introductory provisions.

Subsec. (c)(3). Pub. L. 116-260, §204(1)(B), added par. (3).

Subsec. (e)(2). Pub. L. 116-260, §204(2), substituted “March 14, 2021” for “December 31, 2020”.

Statutory Notes and Related Subsidiaries

FULL REIMBURSEMENT

Pub. L. 117-2, title IX, §9014(b), Mar. 11, 2021, 135 Stat. 119, provided that: “Paragraph (3) of section 2105(c) of such Act (15 U.S.C. 9024(c)) is repealed and such section shall be applied to weeks of unemployment to which an agreement under section 2105 of such Act applies as if such paragraph had not been enacted. In implementing the preceding sentence, a State may, if necessary, reenter the agreement with the Secretary under section 2105 of such Act, and retroactively pay for the first week of regular compensation without a waiting week consistent with State law (including a waiver of State law) and receive full reimbursement for weeks of unemployment that ended after December 31, 2020.”

§ 9025. Pandemic emergency unemployment compensation**(a) Federal-State agreements****(1) In general**

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.

(2) Provisions of agreement

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

(3) Exhaustion of benefits

For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual’s base period; or

(B) such individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) Weekly benefit amount, etc.

For purposes of any agreement under this section—

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to—

(i) the amount of the regular compensation (including dependents’ allowances) payable to such individual during such individual’s benefit year under the State law for a week of total unemployment;

(ii) the amount of Federal Pandemic Unemployment Compensation under section 9023(b)(1)(B) of this title; and

(iii) the amount (if any) of Mixed Earner Unemployment Compensation under section 9023(b)(1)(C) of this title;

(B) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an¹ pandemic emergency unemployment compensation account is established under subsection (b) shall not exceed the amount established in such account for such individual; and

(D) the allowable methods of payment under section 9023(b)(2) of this title shall apply to payments of amounts described in subparagraph (A)(ii).

¹ So in original. Probably should be “a”.