

(2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 503 of title 42 or approvable under section 3304 of title 26; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) Use of funds

The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) Administration

The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) Recoupment

The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) Funding

There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, \$100,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) Reporting

The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) Definitions

In this section:

(1) Secretary

The term “Secretary” means the Secretary of Labor.

(2) Short-time compensation program

The term “short-time compensation program” has the meaning given such term in section 3306(v) of title 26.

(3) State; State agency; State law

The terms “State”, “State agency”, and “State law” have the meanings given those terms in 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, §2110, Mar. 27, 2020, 134 Stat. 331.)

Editorial Notes

REFERENCES IN TEXT

Section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (i)(3), is section 205 of Pub. L. 91-373, which is set out in a note under section 3304 of Title 26, Internal Revenue Code.

§ 9029. Assistance and guidance in implementing programs

(a) In general

In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of title 26), the Secretary of Labor (in this section referred to as the “Secretary”) shall—

(1) develop model legislative language, or disseminate existing model legislative language, which may be used by States in developing and enacting such programs, and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs; and

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) Model language and guidance

The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) Consultation

In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts. Existing model legislative language that has been developed through such a consultative process shall be deemed to meet the consultation requirement of this subsection.

(Pub. L. 116-136, div. A, title II, §2111, Mar. 27, 2020, 134 Stat. 333.)

Editorial Notes

CODIFICATION

Section is comprised of section 2111 of Pub. L. 116-136. Subsec. (d) of section 2111 of Pub. L. 116-136 repealed provisions formerly set out as a note under section 3306 of Title 26, Internal Revenue Code.

§ 9030. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act

(a) No waiting week

With respect to any registration period beginning after March 27, 2020, and ending on or before September 6, 2021, subparagraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(1)) shall not apply.

(b) Operating instructions and regulations

The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

(c) Funding

Out of any funds in the Treasury not otherwise appropriated, there are appropriated \$50,000,000 to cover the costs of additional benefits payable due to the application of subsection (a). Upon the exhaustion of the funds appropriated under this subsection, subsection (a) shall no longer apply with respect to any registration period beginning after the date of exhaustion of funds.

(d) Definition of registration period

For purposes of this section, the term “registration period” has the meaning given such term under section 1 of the Railroad Unemployment Insurance Act (45 U.S.C. 351).

(Pub. L. 116–136, div. A, title II, §2112, Mar. 27, 2020, 134 Stat. 333; Pub. L. 116–260, div. N, title II, §234(a), Dec. 27, 2020, 134 Stat. 1958; Pub. L. 117–2, title II, §2903(a), Mar. 11, 2021, 135 Stat. 50.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–2 substituted “September 6, 2021” for “March 14, 2021”.

2020—Subsec. (a). Pub. L. 116–260 substituted “March 14, 2021” for “December 31, 2020”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 116–260, div. N, title II, §234(b), Dec. 27, 2020, 134 Stat. 1959, provided that: “The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section [amending this section and enacting provisions set out as a note under this section].”

CLARIFICATION ON AUTHORITY TO USE FUNDS

Pub. L. 117–2, title II, §2903(b), Mar. 11, 2021, 135 Stat. 50, provided that: “Funds appropriated under section 2112(c) of the CARES Act (15 U.S.C. 9030(c)) shall be available to cover the cost of additional benefits payable due to section 2112(a) of such Act by reason of the amendments made by subsection (a) [amending this section] as well as to cover the cost of such benefits payable due to such section 2112(a) as in effect on the day before the date of enactment of this Act [Mar. 11, 2021].”

Pub. L. 116–260, div. N, title II, §234(c), Dec. 27, 2020, 134 Stat. 1959, provided that: “Funds appropriated under section 2112(c) of the CARES Act (15 U.S.C. 9030(c)) shall be available to cover the cost of additional benefits payable due to section 2112(a) of such Act [15 U.S.C. 9030(a)] by reason of the amendments made by subsection (a) [amending this section] as well as to cover the cost of such benefits payable due to

such section 2112(a) as in effect on the day before the date of enactment of this Act [Dec. 27, 2020].”

§ 9031. Funding for the DOL Office of Inspector General for oversight of unemployment provisions

There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Office of the Inspector General of the Department of Labor, \$25,000,000 to carry out audits, investigations, and other oversight activities authorized under the Inspector General Act of 1978 (5 U.S.C. App.)¹ that are related to the provisions of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

(Pub. L. 116–136, div. A, title II, §2115, Mar. 27, 2020, 134 Stat. 334.)

Editorial Notes

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in text, is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 4 (§401 et seq.) of Title 5 by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4206, 4361. For disposition of sections of the Act into chapter 4 of Title 5, see Disposition Table preceding section 101 of Title 5.

This subtitle, referred to in text, is subtitle A (§2101 et seq.) of title II of div. A of Pub. L. 116–136, Mar. 27, 2020, 134 Stat. 313, known as the Relief for Workers Affected by Coronavirus Act. For complete classification of subtitle A to the Code, see Short Title note set out under section 9001 of this title and Tables.

§ 9032. Implementation

(a) Non-application of the Paperwork Reduction Act

Chapter 35 of title 44 (commonly referred to as the “Paperwork Reduction Act of 1995”),¹ shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) Operating instructions or other guidance

Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

(Pub. L. 116–136, div. A, title II, §2116, Mar. 27, 2020, 134 Stat. 335.)

Editorial Notes

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A (§2101 et seq.) of title II of div. A of Pub. L. 116–136, Mar. 27, 2020, 134 Stat. 313, known as the Relief for Workers Affected by Coronavirus Act. For complete classification of subtitle A to the Code, see Short Title note set out under section 9001 of this title and Tables.

§ 9033. Return to work reporting

Each State participating in an agreement under any of the preceding sections of this subtitle shall have in effect a method to address any circumstances in which, during any period

¹ See References in Text note below.

¹ So in original.