

116TH CONGRESS
2D SESSION

S. 3497

To provide unemployment assistance to individuals affected by COVID-19,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. PETERS (for himself, Mr. WYDEN, Mr. SCHUMER, Mr. REED, Mrs. MURRAY, Ms. WARREN, Ms. HIRONO, Mr. MARKEY, Ms. DUCKWORTH, Mr. SANDERS, Mr. TESTER, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BROWN, Mr. KAINE, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. BOOKER, Mr. CASEY, Mrs. SHAHEEN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide unemployment assistance to individuals affected
by COVID-19, 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 “Pandemic Unemploy-
5 ment Assistance Act”.

6 **SEC. 2. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

7 (a) DEFINITIONS.—In this section:

1 (1) COVID-19.—The term “COVID-19” means
2 the 2019 Novel Coronavirus or 2019-nCoV.

3 (2) COVID-19 PUBLIC HEALTH EMERGENCY.—
4 The term “COVID-19 public health emergency”
5 means the public health emergency declared by the
6 Secretary of Health and Human Services on Janu-
7 ary 27, 2020, with respect to the 2019 Novel
8 Coronavirus.

9 (3) COVERED INDIVIDUAL.—The term “covered
10 individual”—

11 (A) means an individual who—

12 (i) is not eligible for regular com-
13 pensation under State or Federal law, in-
14 cluding an individual who has exhausted
15 all rights to regular unemployment under
16 State or Federal law; and

17 (ii) provides self-certification that the
18 individual is otherwise able to work and
19 available for work within the meaning of
20 applicable State law, except the individual
21 is unemployed, partially unemployed, or
22 unable or unavailable to work because—

23 (I) the individual has been diag-
24 nosed with COVID-19 or has reason

1 to believe the individual has been ex-
2 posed to COVID-19;

3 (II) a member of the individual's
4 household has been diagnosed with
5 COVID-19;

6 (III) the individual needs to pro-
7 vide care for a family member or a
8 member of the individual's household
9 who has been diagnosed with COVID-
10 19;

11 (IV) the school or day care the
12 individual's child attends is closed due
13 to a COVID-19 outbreak and the indi-
14 vidual is unable to find alternative
15 childcare;

16 (V) the individual is unable to
17 reach the place of employment be-
18 cause of a quarantine imposed as a di-
19 rect result of a COVID-19 outbreak;

20 (VI) the individual is unable to
21 reach the place of employment be-
22 cause the individual self-quarantines
23 to protect themselves or others as a
24 direct result of a COVID-19 outbreak;

1 (VII) the individual was sched-
2 uled to begin employment and is un-
3 able to reach the job as a direct result
4 of a COVID-19 outbreak;

5 (VIII) the individual has become
6 the breadwinner or major support for
7 a household because the head of the
8 household has died as a direct result
9 of COVID-19; or

10 (IX) the individual meets any ad-
11 ditional criteria established by the
12 Secretary for unemployment assist-
13 ance under this section; and

14 (B) does not include—

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

17 (ii) an individual who is receiving paid
18 sick leave or other paid leave benefits, re-
19 gardless of whether the individual meets a
20 qualification described in subclause (I)
21 through (IX) of subparagraph (A)(i).

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of Labor.

24 (5) STATE.—The term “State” includes the
25 District of Columbia, the Commonwealth of Puerto

1 Rico, the Virgin Islands, Guam, American Samoa,
2 the Commonwealth of the Northern Mariana Is-
3 lands, Federated States of Micronesia, Republic of
4 the Marshall Islands, and the Trust Territory of the
5 Pacific Islands.

6 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
7 OF COVID-19.—Beginning on the date of enactment of
8 this Act and ending on the date that is 26 weeks after
9 the date on which the COVID-19 public health emergency
10 expires, the Secretary shall provide to any covered indi-
11 vidual unemployment benefit assistance while such indi-
12 vidual is unemployed, partially unemployed, or unable to
13 work for the weeks of such unemployment with respect
14 to which the individual is not entitled to any other unem-
15 ployment compensation (as that term is defined in section
16 85(b) of title 26, United States Code) or waiting period
17 credit.

18 (c) REQUIREMENT.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the assistance authorized under sub-
21 section (b) shall be available to a covered indi-
22 vidual—

23 (A) for weeks of unemployment, partial un-
24 employment, or inability to work caused by

1 COVID-19 beginning on or after January 27,
2 2020; and

3 (B) as long as the covered individual's un-
4 employment, partial unemployment, or inability
5 to work caused by COVID-19 continues.

6 (2) LIMITATION ON DURATION OF ASSIST-
7 ANCE.—The total number of weeks for which a cov-
8 ered individual may receive assistance under this
9 section shall not exceed 26 weeks and such total
10 shall include any week for which the covered indi-
11 vidual received regular unemployment compensation
12 under any Federal or State law.

13 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
14 DATE OF ENACTMENT.—The Secretary shall estab-
15 lish a process for making assistance under this sec-
16 tion available for weeks beginning on or after Janu-
17 ary 27, 2020, and before the date of enactment of
18 this Act.

19 (d) AMOUNT OF ASSISTANCE.—

20 (1) IN GENERAL.—The assistance authorized
21 under subsection (b) for a week of unemployment,
22 partial unemployment, or inability to work shall be
23 equal to the weekly benefit amount authorized under
24 the unemployment compensation law of the State
25 where the covered individual is employed, except that

1 the amount may not be less than the minimum
2 weekly benefit amount described in section 625.6 of
3 title 20, Code of Federal Regulations, or any suc-
4 cessor thereto.

5 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
6 COVERED INDIVIDUALS.—In the case of a covered
7 individual who is self-employed, who lives in a terri-
8 tory described in subsection (c) or (d) of section
9 625.6 of title 20, Code of Federal Regulations, or
10 who would not otherwise qualify for unemployment
11 compensation under State law, the assistance au-
12 thorized under subsection (b) for a week of unem-
13 ployment shall be calculated in accordance with sec-
14 tion 625.6 of title 20, Code of Federal Regulations,
15 or any successor thereto.

16 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
17 standing State law, for purposes of assistance authorized
18 under this section, compensation under this Act shall be
19 made to an individual otherwise eligible for such com-
20 pensation without any waiting period.

21 (f) AGREEMENTS WITH STATES.—

22 (1) IN GENERAL.—The Secretary shall provide
23 the assistance authorized under subsection (b)
24 through agreements with States which, in the judg-
25 ment of the Secretary, have an adequate system for

1 administering such assistance through existing State
2 agencies.

3 (2) PAYMENTS TO STATES.—There shall be
4 paid to each State which has entered into an agree-
5 ment under this subsection an amount equal to 100
6 percent of—

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

9 (B) any additional administrative expenses
10 incurred by the State by reason of such agree-
11 ment (as determined by the Secretary), includ-
12 ing any administrative expenses necessary to fa-
13 cilitate processing of applications for assistance
14 under this section online or by telephone rather
15 than in-person.

16 (3) TERMS OF PAYMENTS.—Sums payable to
17 any State by reason of such State's having an agree-
18 ment under this subsection shall be payable, either
19 in advance or by way of reimbursement (as deter-
20 mined by the Secretary), in such amounts as the
21 Secretary estimates the State will be entitled to re-
22 ceive under this subsection for each calendar month,
23 reduced or increased, as the case may be, by any
24 amount by which the Secretary finds that his esti-
25 mates for any prior calendar month were greater or

1 less than the amounts which should have been paid
2 to the State. Such estimates may be made on the
3 basis of such statistical, sampling, or other method
4 as may be agreed upon by the Secretary and the
5 State agency of the State involved.

6 (g) FUNDING.—

7 (1) ASSISTANCE.—

8 (A) IN GENERAL.—Funds in the extended
9 unemployment compensation account (as estab-
10 lished by section 905(a) of the Social Security
11 Act (42 U.S.C. 1105(a)) of the Unemployment
12 Trust Fund (as established by section 904(a) of
13 such Act (42 U.S.C. 1104(a)) shall be used to
14 make payments to States pursuant to sub-
15 section (f)(2)(A).

16 (B) TRANSFER OF FUNDS.—Notwith-
17 standing any other provision of law, the Sec-
18 retary of the Treasury shall transfer from the
19 general fund of the Treasury (from funds not
20 otherwise appropriated) to the extended unem-
21 ployment compensation account such sums as
22 the Secretary of Labor estimates to be nec-
23 essary to make payments described in subpara-
24 graph (A). There are appropriated from the
25 general fund of the Treasury, without fiscal

1 year limitation, the sums referred to in the pre-
2 ceding sentence and such sums shall not be re-
3 quired to be repaid.

4 (2) ADMINISTRATIVE EXPENSES.—

5 (A) IN GENERAL.—Funds in the employ-
6 ment security administration account (as estab-
7 lished by section 901(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(B).

13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the employment se-
18 curity administration account such sums as the
19 Secretary of Labor estimates to be necessary to
20 make payments described in subparagraph (A).
21 There are appropriated from the general fund
22 of the Treasury, without fiscal year limitation,
23 the sums referred to in the preceding sentence
24 and such sums shall not be required to be re-
25 paid.

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

5 (h) EMERGENCY DESIGNATION.—

6 (1) IN GENERAL.—The amounts provided by
7 this Act are designated as an emergency require-
8 ment pursuant to section 4(g) of the Statutory Pay-
9 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

10 (2) DESIGNATION IN SENATE.—In the Senate,
11 this Act is designated as an emergency requirement
12 pursuant to section 4112(a) of H. Con. Res. 71
13 (115th Congress), the concurrent resolution on the
14 budget for fiscal year 2018.

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