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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To provide continued support for workers during the COVID-19 pandemic,  
and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. TORRES SMALL of New Mexico (for herself and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on  
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\_\_\_\_\_  
**A BILL**

To provide continued support for workers during the COVID-  
19 pandemic, 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 “Back on Your Feet  
5       Act of 2020”.

1 **SEC. 2. CONTINUED ASSISTANCE TO UNEMPLOYED WORK-**  
2 **ERS UNABLE TO SAFELY RETURN TO WORK.**

3 (a) EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-  
4 MENT COMPENSATION.—

5 (1) IN GENERAL.—Section 2104(e) of the  
6 CARES Act (15 U.S.C. 9023(e)) is amended to read  
7 as follows:

8 “(e) APPLICABILITY.—

9 “(1) IN GENERAL.—An agreement entered into  
10 under this section shall apply to weeks of unemploy-  
11 ment—

12 “(A) beginning after the date on which  
13 such agreement is entered into; and

14 “(B) ending on or before January 31,  
15 2021.

16 “(2) TRANSITION RULE FOR INDIVIDUALS RE-  
17 MAINING ENTITLED TO REGULAR COMPENSATION AS  
18 OF JANUARY 31, 2021.—In the case of any individual  
19 who, as of the date specified in paragraph (1)(B),  
20 has not yet exhausted all rights to regular com-  
21 pensation under the State law of a State with re-  
22 spect to a benefit year that began before such date,  
23 Federal Pandemic Unemployment Compensation  
24 shall continue to be payable to such individual for  
25 any week beginning on or after such date for which

1 the individual is otherwise eligible for regular com-  
2 pensation with respect to such benefit year.

3 “(3) TERMINATION.—Notwithstanding any  
4 other provision of this subsection, no Federal Pan-  
5 demic Unemployment Compensation shall be payable  
6 for any week beginning after July 31, 2021.”.

7 (2) LIMITATION ON APPLICATION OF TRANSI-  
8 TION RULE.—Section 2104(g) of such Act is amend-  
9 ed by inserting “(except for subsection (e)(2))” after  
10 “the preceding provisions of this section”.

11 (3) DISREGARD OF FEDERAL PANDEMIC UNEM-  
12 PLOYMENT COMPENSATION FOR CERTAIN PUR-  
13 POSES.—Section 2104(h) of such Act is amended to  
14 read as follows:

15 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-  
16 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-  
17 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal  
18 Pandemic Unemployment Compensation payment shall  
19 not be regarded as income and shall not be regarded as  
20 a resource for the month of receipt and the following 9  
21 months, for purposes of determining the eligibility of the  
22 recipient (or the recipient’s spouse or family) for benefits  
23 or assistance, or the amount or extent of benefits or assist-  
24 ance, under any Federal program or under any State or

1 local program financed in whole or in part with Federal  
2 funds.”.

3 (b) EXTENSION AND BENEFIT PHASEOUT RULE FOR  
4 PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section  
5 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amend-  
6 ed—

7 (1) in paragraph (1)—

8 (A) by striking “paragraph (2)” and in-  
9 serting “paragraphs (2) and (3)”; and

10 (B) in subparagraph (A)(ii), by striking  
11 “December 31, 2020” and inserting “January  
12 31, 2021”; and

13 (2) by redesignating paragraph (3) as para-  
14 graph (4); and

15 (3) by inserting after paragraph (2) the fol-  
16 lowing:

17 “(3) TRANSITION RULE FOR INDIVIDUALS RE-  
18 MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT  
19 ASSISTANCE AS OF JANUARY 31, 2021.—

20 “(A) IN GENERAL.—In the case of any in-  
21 dividual who, as of the date specified in para-  
22 graph (1)(A)(ii), is receiving Pandemic Unem-  
23 ployment Assistance but has not yet exhausted  
24 all rights to such assistance under this section,  
25 Pandemic Unemployment Assistance shall con-

1           tinue to be payable to such individual for any  
2           week beginning on or after such date for which  
3           the individual is otherwise eligible for Pandemic  
4           Unemployment Assistance.

5           “(B)       TERMINATION.—Notwithstanding  
6           any other provision of this subsection, no Pan-  
7           demic Unemployment Assistance shall be pay-  
8           able for any week beginning after October 31,  
9           2021.”.

10       (c) EXTENSION AND BENEFIT PHASEOUT RULE FOR  
11 PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSA-  
12 TION.—Section 2107(g) of the CARES Act (15 U.S.C.  
13 9025(g)) is amended to read as follows:

14       “(g) APPLICABILITY.—

15           “(1) IN GENERAL.—An agreement entered into  
16           under this section shall apply to weeks of unemploy-  
17           ment—

18           “(A) beginning after the date on which  
19           such agreement is entered into; and

20           “(B) ending on or before January 31,  
21           2021.

22       “(2) TRANSITION RULE FOR INDIVIDUALS RE-  
23       MAINING ENTITLED TO PANDEMIC EMERGENCY UN-  
24       EMPLOYMENT COMPENSATION AS OF JANUARY 31,  
25       2021.—In the case of any individual who, as of the

1 date specified in paragraph (1)(A)(ii), is receiving  
2 Pandemic Emergency Unemployment Compensation  
3 but has not yet exhausted all rights to such assist-  
4 ance under this section, Pandemic Emergency Un-  
5 employment Compensation shall continue to be pay-  
6 able to such individual for any week beginning on or  
7 after such date for which the individual is otherwise  
8 eligible for Pandemic Emergency Unemployment  
9 Compensation.

10 “(3) TERMINATION.—Notwithstanding any  
11 other provision of this subsection, no Pandemic  
12 Emergency Unemployment Compensation shall be  
13 payable for any week beginning after April 30,  
14 2021.”.

15 **SEC. 3. BACK ON YOUR FEET PAY TO SUPPORT RETURN TO**  
16 **WORK.**

17 (a) IN GENERAL.—Section 2104(b) of the Cares Act  
18 (15 U.S.C. 9023(b)) is amended—

19 (1) by redesignating paragraph (2) as para-  
20 graph (3); and

21 (2) by inserting after paragraph (1) the fol-  
22 lowing:

23 “(2) BACK ON YOUR FEET PAY.—

24 “(A) IN GENERAL.—Any agreement under  
25 this section shall also provide that the State

1 agency of the State shall make a one-time pay-  
2 ment in the amount of \$3,600 to each indi-  
3 vidual who—

4 “(i) was eligible for Federal Pandemic  
5 Unemployment Compensation under para-  
6 graph (1) for any week beginning after the  
7 date of enactment of the Back on Your  
8 Feet Act of 2020; and

9 “(ii) is no longer so eligible (as deter-  
10 mined by the State), as a result of earn-  
11 ings due to commencing employment.

12 A payment made to an individual under this  
13 subparagraph shall be made as soon as prac-  
14 ticable after the last week for which the indi-  
15 vidual is so eligible. In no case may an indi-  
16 vidual receive more than one payment under  
17 this subparagraph.

18 “(B) PERIOD OF INELIGIBILITY.—Not-  
19 withstanding any other provision of this section,  
20 an individual who receives a payment under  
21 subparagraph (A) shall be ineligible for Federal  
22 Pandemic Unemployment Compensation for a  
23 6-week period beginning with the first week in  
24 which the individual commenced employment as  
25 described in such subparagraph.

1                   “(C) SPECIAL RULE.—Payments made  
2                   pursuant to an agreement under this paragraph  
3                   shall not be considered to violate the withdrawal  
4                   requirements of section 303(a)(5) of the Social  
5                   Security Act (42 U.S.C. 503(a)(5)) or section  
6                   3304(a)(4) of the Internal Revenue Code of  
7                   1986.

8                   “(D) TAX TREATMENT OF PAYMENT.—  
9                   Federal individual income tax attributable to a  
10                  payment under subparagraph (A) shall be de-  
11                  ducted and withheld from such payment at a  
12                  rate of 10 percent if an individual receiving  
13                  such payment makes a request to the State for  
14                  such deduction and withholding.”.

15               (b) CONFORMING AMENDMENTS.—Section 2104 of  
16 such Act is amended—

17               (1) by inserting “and payments under sub-  
18               section (b)(2)” after “Federal Pandemic Unemploy-  
19               ment Compensation” each place it appears in sub-  
20               section (d) or (f) of such section; and

21               (2) in subsection (g), by inserting “, as such  
22               provisions apply with respect to Federal Pandemic  
23               Unemployment Compensation,” after “the preceding  
24               provisions of this section”.



1 (c) APPLICABILITY OF AMENDMENTS.—The amend-  
2 ments made by this section shall apply only in the case  
3 of States that receive an emergency administration grant  
4 under section 903(j) of the Social Security Act.

5 **SEC. 4. STATE POLICIES ENSURING SAFE RETURN TO**  
6 **WORK AND EMERGENCY TRANSFERS FOR UN-**  
7 **EMPLOYMENT CLAIMS PROCESSING AND**  
8 **BENEFIT ADMINISTRATION.**

9 (a) IN GENERAL.—Section 903 of the Social Security  
10 Act (42 U.S.C. 1103) is amended by adding at the end  
11 the following:

12 “State Policies to Ensure Safe Return to Work and  
13 Emergency Transfers for Administration

14 “(j)(1)(A) In addition to any other amounts, the Sec-  
15 retary of Labor shall provide for the making of emergency  
16 administration grants to the accounts of the States in the  
17 Unemployment Trust Fund, by transfer from amounts re-  
18 served for that purpose in the Federal unemployment ac-  
19 count, in accordance with succeeding provisions of this  
20 subsection.

21 “(B) The amount of an emergency administration  
22 grant with respect to a State shall, as determined by the  
23 Secretary of Labor, be equal to \$2,000,000,000 multiplied  
24 by the ratio that the amount certified for the base admin-  
25 istrative grant to the State for fiscal year 2020 under sec-

tion 302(a) bears to the total amount certified for base administrative grants to all States for fiscal year 2020 under such section.

“(C) The amount described in subparagraph (B) with respect to a State shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State has provided documentation of policies, regulations, or laws demonstrating that the State will, as a condition of the grant at least through the end of calendar year 2021—

“(i) provide that if unreasonable health and safety risks are present with respect to an employment position for an individual or any member of the individual’s household, due to employer safety policies or to specific risk factors of the individual or member of the individual’s household (particularly in the case of older, immunocompromised, or disabled individuals), the presence of such risks constitutes good cause—

“(I) for the individual to separate from such employment position; and

“(II) in the case of an individual who is unemployed, for refusing an offer of suitable employment in such employment position (regardless of whether such offer of employment

1           would pay wages that are equal to or greater  
2           than the individual's previous wages); and

3           “(ii) provide that in the case of individuals who  
4           have received amounts of unemployment compensa-  
5           tion to which they were not entitled, the State shall  
6           require such individuals to repay the amounts of un-  
7           employment compensation to the State agency, ex-  
8           cept that the State agency shall waive such repay-  
9           ment if it determines that—

10                 “(I) the payment of such unemployment  
11                 compensation was without fault on the part of  
12                 any such individual; and

13                 “(II) such repayment would be contrary to  
14                 equity and good conscience.

15           “(2) Any amount transferred to the account of a  
16           State under this subsection may be used by such State  
17           only for the administration of its unemployment com-  
18           pensation law, including information technology systems  
19           improvements and upgrades that enhance the user experi-  
20           ence and timeliness of—

21                 “(A) applying for benefits;

22                 “(B) processing of benefits;

23                 “(C) receiving benefits; and

24                 “(D) implementing future policy changes in-  
25           cluding flexibility in reprogramming.

1 A State shall conduct user testing of any such improve-  
2 ments and upgrades in advance of full implementation to  
3 ensure that they will meet each of the criteria described  
4 in this paragraph, including during any potential surges  
5 in the number of initial claims.

6 “(3) A State seeking a grant under this subsection  
7 shall submit an application to the Secretary of Labor with  
8 such information as the Secretary may require not later  
9 than June 30, 2022. The Secretary of Labor shall assist  
10 states in meeting the conditions of receiving the grant, in-  
11 cluding by providing technical assistance and guidance.

12 “(4)(A) Notwithstanding any other provision of law,  
13 the Secretary of the Treasury shall transfer from the gen-  
14 eral fund of the Treasury (from funds not otherwise ap-  
15 propriated) to the employment security administration ac-  
16 count (as established by section 901 of the Social Security  
17 Act) such sums as the Secretary of Labor estimates to  
18 be necessary for purposes of making the transfers de-  
19 scribed in paragraph (1)(C).

20 “(B) There are appropriated from the general fund  
21 of the Treasury, without fiscal year limitation, the sums  
22 referred to in the preceding sentence and such sums shall  
23 not be required to be repaid.”.

24 (b) GRANTS TO CERTAIN TERRITORIES FOR ADMIN-  
25 ISTRATION OF PANDEMIC UNEMPLOYMENT ASSISTANCE

1 AND FEDERAL PANDEMIC UNEMPLOYMENT COMPENSA-  
2 TION.—

3 (1) IN GENERAL.—The Secretary of Labor shall  
4 make an emergency grant to each of the territories  
5 specified in paragraph (2), in an amount to be allo-  
6 cated proportionately based on population, for the  
7 administration of Pandemic Unemployment Assist-  
8 ance and Federal Pandemic Unemployment Com-  
9 pensation in such territory.

10 (2) ELIGIBLE TERRITORIES.—The Territories  
11 specified in this paragraph are Guam, American  
12 Samoa, the Commonwealth of the Northern Mariana  
13 Islands, the Federated States of Micronesia, the Re-  
14 public of the Marshall Islands, and the Republic of  
15 Palau.

16 (3) APPLICATION.—A territory seeking a grant  
17 under this subsection shall submit an application to  
18 the Secretary of Labor with such information as the  
19 Secretary may require not later than June 30, 2022.  
20 The Secretary of Labor shall assist territories in  
21 meeting the conditions of receiving the grant, includ-  
22 ing by providing technical assistance and guidance.  
23 An application submitted by a territory for a grant  
24 under this subsection shall include documentation of  
25 policies, regulations, or laws demonstrating that the

1       territory will, as a condition of the grant at least  
2       through the end of calendar year 2021, satisfy the  
3       requirements of clauses (i) and (ii) of section  
4       903(j)(1)(C) of the Social Security Act.

5           (4) FUNDING.—There are appropriated from  
6       the general fund of the Treasury, out of any money  
7       in the Treasury not otherwise appropriated,  
8       \$3,000,000 for grants under this subsection, to re-  
9       main available until expended.

10 **SEC. 5. WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS**  
11 **OF PANDEMIC UNEMPLOYMENT ASSISTANCE.**

12       Section 2102(d) of the CARES Act (15 U.S.C.  
13 9021(d)) is amended by adding at the end the following:

14           “(4) WAIVER AUTHORITY.—In the case of indi-  
15       viduals who have received amounts of Pandemic Un-  
16       employment Assistance to which they were not enti-  
17       tled, the State shall require such individuals to repay  
18       the amounts of such Pandemic Unemployment As-  
19       sistance to the State agency, except that the State  
20       agency shall waive such repayment if it determines  
21       that—

22           “(A) the payment of such Pandemic Un-  
23       employment Assistance was without fault on the  
24       part of any such individual; and

1                   “(B) such repayment would be contrary to  
2                   equity and good conscience.”.

3 **SEC. 6. STATE REPORTING ON CLAIMS BACKLOGS.**

4           (a) IN GENERAL.—Section 2104 of the CARES Act  
5 (15 U.S.C. 9023) is amended by adding at the end the  
6 following:

7           “(j) STATE ACCOUNTABILITY RELATING TO CLAIMS  
8 BACKLOGS.—As a condition of any agreement under this  
9 section, the following rules shall apply:

10           “(1) CLAIMS REPORTING.—

11                   “(A) IN GENERAL.—Each State partici-  
12                   pating in such an agreement shall submit to the  
13                   Secretary of Labor on a weekly basis a report  
14                   on the status in the State of any backlog of the  
15                   processing of unemployment claims, including  
16                   claims for regular compensation, extended com-  
17                   pensation, Pandemic Unemployment Assistance,  
18                   and Pandemic Emergency Unemployment Com-  
19                   pensation. Such report shall include a descrip-  
20                   tion, with respect to the previous week, of each  
21                   of the following:

22                           “(i) The number of initial claims still  
23                           in process, disaggregated by the number of  
24                           such claims still pending—

1 “(I) because of nonmonetary de-  
2 terminations;

3 “(II) because of monetary deter-  
4 minations;

5 “(III) because of suspected  
6 fraud; and

7 “(IV) for any other reason.

8 “(ii) The number of initial claims de-  
9 nied.

10 “(iii) The number of individuals with  
11 respect to whom a continued claim was  
12 paid.

13 “(iv) The number of individuals with  
14 respect to whom a continued claim is still  
15 in process, disaggregated by the number of  
16 such claims still pending—

17 “(I) because of nonmonetary de-  
18 terminations;

19 “(II) because of monetary deter-  
20 minations;

21 “(III) because of suspected  
22 fraud; and

23 “(IV) for any other reason.



1                   “(v) The number of individuals with  
2                   respect to whom a continued claims was  
3                   denied.

4                   “(B) REPORT TO CONGRESS.—Upon re-  
5                   ceipt of a report described in subparagraph (A),  
6                   the Secretary of Labor shall publish such report  
7                   on the website of the Department of Labor and  
8                   shall submit such report to the Committee on  
9                   Ways and Means of the House of Representa-  
10                  tives and the Committee on Finance of the Sen-  
11                  ate.

12                  “(2) CORRECTIVE ACTION PLANS.—

13                  “(A) IN GENERAL.—Not later than 90  
14                  days after the date of enactment of this sub-  
15                  section and at least every 90 days thereafter,  
16                  each State participating in such an agreement  
17                  shall submit to the Secretary of Labor a correc-  
18                  tive action plan that includes a description of  
19                  the actions the State has taken and intends to  
20                  take to address any backlog of the processing of  
21                  unemployment claims described in paragraph  
22                  (1)(A).

23                  “(B) TECHNICAL ASSISTANCE.—The Sec-  
24                  retary of Labor shall make technical assistance  
25                  available to States to the extent feasible to en-

1           able States to develop and implement corrective  
2           action plans in accordance with this paragraph.  
3           If the Secretary of Labor determines at any  
4           time that a State has failed to take reasonable  
5           actions under a corrective action plan to ad-  
6           dress a claims backlog, the State shall collabo-  
7           rate with the Secretary to develop a subsequent  
8           corrective action plan to achieve clearly defined,  
9           targeted outcomes.

10           “(C) REPORT TO CONGRESS.—Upon re-  
11           ceipt of a corrective action plan described in  
12           subparagraph (A), the Secretary of Labor shall  
13           publish such plan on the website of the Depart-  
14           ment of Labor and shall submit such report to  
15           the Committee on Ways and Means of the  
16           House of Representatives and the Committee  
17           on Finance of the Senate.”.

18           (b) EFFECTIVE DATE.—The amendment made by  
19           subsection (a) shall apply with respect to weeks beginning  
20           after the date of enactment of this Act.