

116TH CONGRESS  
2D SESSION

# H. R. 7762

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2020

Ms. TORRES SMALL of New Mexico (for herself and Mr. HORSFORD) intro-  
duced the following bill; which was referred to the Committee on Ways  
and Means

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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”.

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

8 (a) **EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**  
9 **MENT COMPENSATION.—**

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

4           “(e) APPLICABILITY.—

5           “(1) IN GENERAL.—An agreement entered into  
6 under this section shall apply to weeks of unemploy-  
7 ment—

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

10           “(B) ending on or before January 31,  
11 2021.

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

24           “(3) TERMINATION.—Notwithstanding any  
25 other provision of this subsection, no Federal Pan-

1       demic Unemployment Compensation shall be payable  
2       for any week beginning after July 31, 2021.”.

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

7               (3) DISREGARD OF FEDERAL PANDEMIC UNEM-  
8       PLOYMENT COMPENSATION FOR CERTAIN PUR-  
9       POSES.—Section 2104(h) of such Act is amended to  
10       read as follows:

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

23               (b) EXTENSION AND BENEFIT PHASEOUT RULE FOR  
24       PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section

1 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amend-  
2 ed—

3 (1) in paragraph (1)—

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

6 (B) in subparagraph (A)(ii), by striking  
7 “December 31, 2020” and inserting “January  
8 31, 2021”; and

9 (2) by redesignating paragraph (3) as para-  
10 graph (4); and

11 (3) by inserting after paragraph (2) the fol-  
12 lowing:

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

16 “(A) IN GENERAL.—In the case of any in-  
17 dividual who, as of the date specified in para-  
18 graph (1)(A)(ii), is receiving Pandemic Unem-  
19 ployment Assistance but has not yet exhausted  
20 all rights to such assistance under this section,  
21 Pandemic Unemployment Assistance shall con-  
22 tinue to be payable to such individual for any  
23 week beginning on or after such date for which  
24 the individual is otherwise eligible for Pandemic  
25 Unemployment Assistance.

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

6           (c) EXTENSION AND BENEFIT PHASEOUT RULE FOR  
7 PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSA-  
8 TION.—Section 2107(g) of the CARES Act (15 U.S.C.  
9 9025(g)) is amended to read as follows:

10          “(g) APPLICABILITY.—

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

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

16           “(B) ending on or before January 31,  
17           2021.

18           “(2) TRANSITION RULE FOR INDIVIDUALS RE-  
19           MAINING ENTITLED TO PANDEMIC EMERGENCY UN-  
20           EMPLOYMENT COMPENSATION AS OF JANUARY 31,  
21           2021.—In the case of any individual who, as of the  
22           date specified in paragraph (1)(A)(ii), is receiving  
23           Pandemic Emergency Unemployment Compensation  
24           but has not yet exhausted all rights to such assist-  
25           ance under this section, Pandemic Emergency Un-

1 employment Compensation shall continue to be pay-  
2 able to such individual for any week beginning on or  
3 after such date for which the individual is otherwise  
4 eligible for Pandemic Emergency Unemployment  
5 Compensation.

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

11 **SEC. 3. BACK ON YOUR FEET PAY TO SUPPORT RETURN TO**  
12 **WORK.**

13 (a) IN GENERAL.—Section 2104(b) of the CARES  
14 Act (15 U.S.C. 9023(b)) is amended—

15 (1) by redesignating paragraph (2) as para-  
16 graph (3); and

17 (2) by inserting after paragraph (1) the fol-  
18 lowing:

19 “(2) BACK ON YOUR FEET PAY.—

20 “(A) IN GENERAL.—Any agreement under  
21 this section shall also provide that the State  
22 agency of the State shall make a one-time pay-  
23 ment in the amount of \$3,600 to each indi-  
24 vidual who—

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

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

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

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

23                 “(C) SPECIAL RULE.—Payments made  
24                 pursuant to an agreement under this paragraph  
25                 shall not be considered to violate the withdrawal

1 requirements of section 303(a)(5) of the Social  
2 Security Act (42 U.S.C. 503(a)(5)) or section  
3 3304(a)(4) of the Internal Revenue Code of  
4 1986.

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

12 (b) CONFORMING AMENDMENTS.—Section 2104 of  
13 such Act is amended—

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

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

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

1 **SEC. 4. STATE POLICIES ENSURING SAFE RETURN TO**  
2 **WORK AND EMERGENCY TRANSFERS FOR UN-**  
3 **EMPLOYMENT CLAIMS PROCESSING AND**  
4 **BENEFIT ADMINISTRATION.**

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

8 “State Policies to Ensure Safe Return to Work and  
9 Emergency Transfers for Administration

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

17 “(B) The amount of an emergency administration  
18 grant with respect to a State shall, as determined by the  
19 Secretary of Labor, be equal to \$2,000,000,000 multiplied  
20 by the ratio that the amount certified for the base admin-  
21 istrative grant to the State for fiscal year 2020 under sec-  
22 tion 302(a) bears to the total amount certified for base  
23 administrative grants to all States for fiscal year 2020  
24 under such section.

25 “(C) The amount described in subparagraph (B) with  
26 respect to a State shall be transferred to the account of

1 such State upon a certification by the Secretary of Labor  
2 to the Secretary of the Treasury that the State has pro-  
3 vided documentation of policies, regulations, or laws dem-  
4 onstrating that the State will, as a condition of the grant  
5 at least through the end of calendar year 2021—

6           “(i) provide that if unreasonable health and  
7 safety risks are present with respect to an employ-  
8 ment position for an individual or any member of  
9 the individual’s household, due to employer safety  
10 policies or to specific risk factors of the individual or  
11 member of the individual’s household (particularly in  
12 the case of older, immunocompromised, or disabled  
13 individuals), the presence of such risks constitutes  
14 good cause—

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

17           “(II) in the case of an individual who is  
18 unemployed, for refusing an offer of suitable  
19 employment in such employment position (re-  
20 gardless of whether such offer of employment  
21 would pay wages that are equal to or greater  
22 than the individual’s previous wages); and

23           “(ii) provide that in the case of individuals who  
24 have received amounts of unemployment compensa-  
25 tion to which they were not entitled, the State shall

1 require such individuals to repay the amounts of un-  
2 employment compensation to the State agency, ex-  
3 cept that the State agency shall waive such repay-  
4 ment if it determines that—

5 “(I) the payment of such unemployment  
6 compensation was without fault on the part of  
7 any such individual; and

8 “(II) such repayment would be contrary to  
9 equity and good conscience.

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

16 “(A) applying for benefits;

17 “(B) processing of benefits;

18 “(C) receiving benefits; and

19 “(D) implementing future policy changes in-  
20 cluding flexibility in reprogramming.

21 A State shall conduct user testing of any such improve-  
22 ments and upgrades in advance of full implementation to  
23 ensure that they will meet each of the criteria described  
24 in this paragraph, including during any potential surges  
25 in the number of initial claims.

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

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

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

19       (b) GRANTS TO CERTAIN TERRITORIES FOR ADMIN-  
20 ISTRATION OF PANDEMIC UNEMPLOYMENT ASSISTANCE  
21 AND FEDERAL PANDEMIC UNEMPLOYMENT COMPENSA-  
22 TION.—

23               (1) IN GENERAL.—The Secretary of Labor shall  
24       make an emergency grant to each of the territories  
25       specified in paragraph (2), in an amount to be allo-

1 cated proportionately based on population, for the  
2 administration of Pandemic Unemployment Assist-  
3 ance and Federal Pandemic Unemployment Com-  
4 pensation in such territory.

5 (2) ELIGIBLE TERRITORIES.—The Territories  
6 specified in this paragraph are Guam, American  
7 Samoa, the Commonwealth of the Northern Mariana  
8 Islands, the Federated States of Micronesia, the Re-  
9 public of the Marshall Islands, and the Republic of  
10 Palau.

11 (3) APPLICATION.—A territory seeking a grant  
12 under this subsection shall submit an application to  
13 the Secretary of Labor with such information as the  
14 Secretary may require not later than June 30, 2022.  
15 The Secretary of Labor shall assist territories in  
16 meeting the conditions of receiving the grant, includ-  
17 ing by providing technical assistance and guidance.  
18 An application submitted by a territory for a grant  
19 under this subsection shall include documentation of  
20 policies, regulations, or laws demonstrating that the  
21 territory will, as a condition of the grant at least  
22 through the end of calendar year 2021, satisfy the  
23 requirements of clauses (i) and (ii) of section  
24 903(j)(1)(C) of the Social Security Act.



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

2 (a) IN GENERAL.—Section 2104 of the CARES Act  
3 (15 U.S.C. 9023) is amended by adding at the end the  
4 following:

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

8 “(1) CLAIMS REPORTING.—

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

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

23 “(I) because of nonmonetary de-  
24 terminations;

25 “(II) because of monetary deter-  
26 minations;

1                   “(III) because of suspected  
2 fraud; and

3                   “(IV) for any other reason.

4                   “(ii) The number of initial claims de-  
5 nied.

6                   “(iii) The number of individuals with  
7 respect to whom a continued claim was  
8 paid.

9                   “(iv) The number of individuals with  
10 respect to whom a continued claim is still  
11 in process, disaggregated by the number of  
12 such claims still pending—

13                   “(I) because of nonmonetary de-  
14 terminations;

15                   “(II) because of monetary deter-  
16 minations;

17                   “(III) because of suspected  
18 fraud; and

19                   “(IV) for any other reason.

20                   “(v) The number of individuals with  
21 respect to whom a continued claims was  
22 denied.

23                   “(B) REPORT TO CONGRESS.—Upon re-  
24 ceipt of a report described in subparagraph (A),  
25 the Secretary of Labor shall publish such report

1 on the website of the Department of Labor and  
2 shall submit such report to the Committee on  
3 Ways and Means of the House of Representa-  
4 tives and the Committee on Finance of the Sen-  
5 ate.

6 “(2) CORRECTIVE ACTION PLANS.—

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

17 “(B) TECHNICAL ASSISTANCE.—The Sec-  
18 retary of Labor shall make technical assistance  
19 available to States to the extent feasible to en-  
20 able States to develop and implement corrective  
21 action plans in accordance with this paragraph.  
22 If the Secretary of Labor determines at any  
23 time that a State has failed to take reasonable  
24 actions under a corrective action plan to ad-  
25 dress a claims backlog, the State shall collabo-

1 rate with the Secretary to develop a subsequent  
2 corrective action plan to achieve clearly defined,  
3 targeted outcomes.

4 “(C) REPORT TO CONGRESS.—Upon re-  
5 ceipt of a corrective action plan described in  
6 subparagraph (A), the Secretary of Labor shall  
7 publish such plan on the website of the Depart-  
8 ment of Labor and shall submit such report to  
9 the Committee on Ways and Means of the  
10 House of Representatives and the Committee  
11 on Finance of the Senate.”.

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

○