

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the unemployment provisions.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 1319

To provide for reconciliation pursuant to title II of S. Con.
Res. 5.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARPER (for
himself, Mr. WYDEN, Mr. DURBIN, Mr. KELLY, and
Mr. REED) to the amendment (No. 891) proposed by
Mr. SCHUMER

Viz:

1 Strike subtitle A of title IX and insert the following:

2 **Subtitle A—Crisis Support for**
3 **Unemployed Workers**

4 **PART 1—EXTENSION OF CARES ACT**

5 **UNEMPLOYMENT PROVISIONS**

6 **SEC. 9011. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
7 **SISTANCE.**

8 (a) IN GENERAL.—Section 2102(c) of the CARES
9 Act (15 U.S.C. 9021(c)) is amended—

10 (1) in paragraph (1)—

1 (A) by striking “paragraphs (2) and (3)”
2 and inserting “paragraph (2)”; and

3 (B) in subparagraph (A)(ii), by striking
4 “March 14, 2021” and inserting “October 4,
5 2021”; and

6 (2) by striking paragraph (3) and redesignating
7 paragraph (4) as paragraph (3).

8 (b) INCREASE IN NUMBER OF WEEKS.—Section
9 2102(c)(2) of such Act (15 U.S.C. 9021(c)(2)) is amend-
10 ed—

11 (1) by striking “50 weeks” and inserting “79
12 weeks”; and

13 (2) by striking “50-week period” and inserting
14 “79-week period”.

15 (c) HOLD HARMLESS FOR PROPER ADMINISTRA-
16 TION.—In the case of an individual who is eligible to re-
17 ceive pandemic unemployment assistance under section
18 2102 of the CARES Act (15 U.S.C. 9021) as of the day
19 before the date of enactment of this Act and on the date
20 of enactment of this Act becomes eligible for pandemic
21 emergency unemployment compensation under section
22 2107 of the CARES Act (15 U.S.C. 9025) by reason of
23 the amendments made by section 9016(b) of this title, any
24 payment of pandemic unemployment assistance under
25 such section 2102 made after the date of enactment of

1 this Act to such individual during an appropriate period
2 of time, as determined by the Secretary of Labor, that
3 should have been made under such section 2107 shall not
4 be considered to be an overpayment of assistance under
5 such section 2102, except that an individual may not re-
6 ceive payment for assistance under section 2102 and a
7 payment for assistance under section 2107 for the same
8 week of unemployment.

9 (d) EFFECTIVE DATE.—The amendments made by
10 subsections (a) and (b) shall apply as if included in the
11 enactment of the CARES Act (Public Law 116–136), ex-
12 cept that no amount shall be payable by virtue of such
13 amendments with respect to any week of unemployment
14 ending on or before March 14, 2021.

15 **SEC. 9012. EXTENSION OF EMERGENCY UNEMPLOYMENT**
16 **RELIEF FOR GOVERNMENTAL ENTITIES AND**
17 **NONPROFIT ORGANIZATIONS.**

18 (a) IN GENERAL.—Section 903(i)(1)(D) of the Social
19 Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by
20 striking “March 14, 2021” and inserting “October 4,
21 2021”.

22 (b) INCREASE IN REIMBURSEMENT RATE.—Section
23 903(i)(1)(B) of such Act (42 U.S.C. 1103(i)(1)(B)) is
24 amended—

1 (1) in the first sentence, by inserting “and ex-
2 cept as otherwise provided in this subparagraph”
3 after “as determined by the Secretary of Labor”;
4 and

5 (2) by inserting after the first sentence the fol-
6 lowing: “With respect to the amounts of such com-
7 pensation paid for weeks of unemployment beginning
8 after March 31, 2021, and ending on or before Octo-
9 ber 4, 2021, the preceding sentence shall be applied
10 by substituting ‘75 percent’ for ‘one-half.’”.

11 **SEC. 9013. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
12 **MENT COMPENSATION.**

13 (a) IN GENERAL.—Section 2104(e)(2) of the CARES
14 Act (15 U.S.C. 9023(e)(2)) is amended by striking
15 “March 14, 2021” and inserting “October 4, 2021”.

16 (b) AMOUNT.—Section 2104(b)(3)(A)(ii) of such Act
17 (15 U.S.C. 9023(b)(3)(A)(ii)) is amended by striking
18 “March 14, 2021” and inserting “October 4, 2021”.

19 **SEC. 9014. EXTENSION OF FULL FEDERAL FUNDING OF THE**
20 **FIRST WEEK OF COMPENSABLE REGULAR**
21 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
22 **ING WEEK.**

23 (a) IN GENERAL.—Section 2105(e)(2) of the CARES
24 Act (15 U.S.C. 9024(e)(2)) is amended by striking
25 “March 14, 2021” and inserting “October 4, 2021”.

1 (b) FULL REIMBURSEMENT.—Paragraph (3) of sec-
2 tion 2105(c) of such Act (15 U.S.C. 9024(c)) is repealed
3 and such section shall be applied to weeks of unemploy-
4 ment to which an agreement under section 2105 of such
5 Act applies as if such paragraph had not been enacted.
6 In implementing the preceding sentence, a State may, if
7 necessary, reenter the agreement with the Secretary under
8 section 2105 of such Act, and retroactively pay for the
9 first week of regular compensation without a waiting week
10 consistent with State law (including a waiver of State law)
11 and receive full reimbursement for weeks of unemployment
12 that ended after December 31, 2020.

13 **SEC. 9015. EXTENSION OF EMERGENCY STATE STAFFING**
14 **FLEXIBILITY.**

15 If a State modifies its unemployment compensation
16 law and policies, subject to the succeeding sentence, with
17 respect to personnel standards on a merit basis on an
18 emergency temporary basis as needed to respond to the
19 spread of COVID–19, such modifications shall be dis-
20 regarded for the purposes of applying section 303 of the
21 Social Security Act and section 3304 of the Internal Rev-
22 enue Code of 1986 to such State law. Such modifications
23 shall only apply through October 4, 2021, and shall be
24 limited to engaging of temporary staff, rehiring of retirees
25 or former employees on a non-competitive basis, and other

1 temporary actions to quickly process applications and
2 claims.

3 **SEC. 9016. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
4 **EMPLOYMENT COMPENSATION.**

5 (a) IN GENERAL.—Section 2107(g) of the CARES
6 Act (15 U.S.C. 9025(g)) is amended to read as follows:

7 “(g) APPLICABILITY.—An agreement entered into
8 under this section shall apply to weeks of unemployment—

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

11 “(2) ending on or before October 4, 2021.”.

12 (b) INCREASE IN NUMBER OF WEEKS.—Section
13 2107(b)(2) of such Act (15 U.S.C. 9025(b)(2)) is amend-
14 ed by striking “24” and inserting “53”.

15 (c) COORDINATION OF PANDEMIC EMERGENCY UN-
16 EMPLOYMENT COMPENSATION WITH EXTENDED COM-
17 PENSATION.—Section 2107(a)(5)(B) of such Act (15
18 U.S.C. 9025(a)(5)(B)) is amended by inserting “or for the
19 week that includes the date of enactment of the American
20 Rescue Plan Act of 2021 (without regard to the amend-
21 ments made by subsections (a) and (b) of section 9016
22 of such Act)” after “2020”.

23 (d) SPECIAL RULE FOR EXTENDED COMPENSA-
24 TION.—Section 2107(a)(8) of such Act (15 U.S.C.

1 9025(a)(8)) is amended by striking “April 12, 2021” and
2 inserting “October 4, 2021”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply as if included in the enactment
5 of the CARES Act (Public Law 116–136), except that no
6 amount shall be payable by virtue of such amendments
7 with respect to any week of unemployment ending on or
8 before March 14, 2021.

9 **SEC. 9017. EXTENSION OF TEMPORARY FINANCING OF**
10 **SHORT-TIME COMPENSATION PAYMENTS IN**
11 **STATES WITH PROGRAMS IN LAW.**

12 Section 2108(b)(2) of the CARES Act (15 U.S.C.
13 9026(b)(2)) is amended by striking “March 14, 2021”
14 and inserting “October 4, 2021”.

15 **SEC. 9018. EXTENSION OF TEMPORARY FINANCING OF**
16 **SHORT-TIME COMPENSATION AGREEMENTS**
17 **FOR STATES WITHOUT PROGRAMS IN LAW.**

18 Section 2109(d)(2) of the CARES Act (15 U.S.C.
19 9027(d)(2)) is amended by striking “March 14, 2021”
20 and inserting “October 4, 2021”.

1 **PART 2—EXTENSION OF FFCRA UNEMPLOYMENT**
2 **PROVISIONS**

3 **SEC. 9021. EXTENSION OF TEMPORARY ASSISTANCE FOR**
4 **STATES WITH ADVANCES.**

5 Section 1202(b)(10)(A) of the Social Security Act
6 (42 U.S.C. 1322(b)(10)(A)) is amended by striking
7 “March 14, 2021” and inserting “October 4, 2021”.

8 **SEC. 9022. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
9 **TENDED UNEMPLOYMENT COMPENSATION.**

10 (a) IN GENERAL.—Section 4105 of the Families
11 First Coronavirus Response Act (26 U.S.C. 3304 note)
12 is amended by striking “March 14, 2021” each place it
13 appears and inserting “October 4, 2021”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply as if included in the enactment
16 of the Families First Coronavirus Response Act (Public
17 Law 116–127).

18 **PART 3—DEPARTMENT OF LABOR FUNDING FOR**
19 **TIMELY, ACCURATE, AND EQUITABLE PAYMENT**

20 **SEC. 9031. FUNDING FOR ADMINISTRATION.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Employment and Training Adminis-
23 tration of the Department of Labor for fiscal year 2021,
24 out of any money in the Treasury not otherwise appro-
25 priated, \$8,000,000, to remain available until expended,
26 for necessary expenses to carry out Federal activities re-

1 lating to the administration of unemployment compensa-
2 tion programs.

3 **SEC. 9032. FUNDING FOR FRAUD PREVENTION, EQUITABLE**
4 **ACCESS, AND TIMELY PAYMENT TO ELIGIBLE**
5 **WORKERS.**

6 Subtitle A of title II of division A of the CARES Act
7 (Public Law 116–136) is amended by adding at the end
8 the following:

9 **“SEC. 2118. FUNDING FOR FRAUD PREVENTION, EQUITABLE**
10 **ACCESS, AND TIMELY PAYMENT TO ELIGIBLE**
11 **WORKERS.**

12 “(a) IN GENERAL.—In addition to amounts other-
13 wise available, there is appropriated to the Secretary of
14 Labor for fiscal year 2021, out of any money in the Treas-
15 ury not otherwise appropriated, \$2,000,000,000, to re-
16 main available until expended, to detect and prevent fraud,
17 promote equitable access, and ensure the timely payment
18 of benefits with respect to unemployment compensation
19 programs, including programs extended under subtitle A
20 of title IX of the American Rescue Plan Act of 2021.

21 “(b) USE OF FUNDS.—Amounts made available
22 under subsection (a) may be used—

23 “(1) for Federal administrative costs related to
24 the purposes described in subsection (a);

1 “(2) for systemwide infrastructure investment
2 and development related to such purposes; and

3 “(3) to make grants to States or territories ad-
4 ministering unemployment compensation programs
5 described in subsection (a) (including territories ad-
6 ministering the Pandemic Unemployment Assistance
7 program under section 2102) for such purposes, in-
8 cluding the establishment of procedures or the build-
9 ing of infrastructure to verify or validate identity,
10 implement Federal guidance regarding fraud detec-
11 tion and prevention, and accelerate claims processing
12 or process claims backlogs due to the pandemic.

13 “(c) RESTRICTIONS ON GRANTS TO STATES AND
14 TERRITORIES.—As a condition of receiving a grant under
15 subsection (b)(3), the Secretary may require that a State
16 or territory receiving such a grant shall—

17 “(1) use such program integrity tools as the
18 Secretary may specify; and

19 “(2) as directed by the Secretary, conduct user
20 accessibility testing on any new system developed by
21 the Secretary pursuant to subsection (b)(2).”.

1 **PART IV—OTHER PROVISIONS**
2 **SEC. 9041. EXTENSION OF LIMITATION ON EXCESS BUSI-**
3 **NESS LOSSES OF NONCORPORATE TAX-**
4 **PAYERS.**

5 (a) **IN GENERAL.**—Section 461(l)(1) of the Internal
6 Revenue Code of 1986 is amended by striking “January
7 1, 2026” each place it appears and inserting “January
8 1, 2027”.

9 (b) **EFFECTIVE DATE.**—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2025.

12 **SEC. 9042. SUSPENSION OF TAX ON PORTION OF UNEM-**
13 **PLOYMENT COMPENSATION.**

14 (a) **IN GENERAL.**—Section 85 of the Internal Rev-
15 enue Code of 1986 is amended by adding at the end the
16 following new subsection:

17 “(c) **SPECIAL RULE FOR 2020.**—In the case of any
18 taxable year beginning in 2020, gross income shall not in-
19 clude so much of the unemployment compensation received
20 by an individual as does not exceed \$10,200.”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 this section shall apply to taxable years beginning after
23 December 31, 2019.