

fore the date of enactment of this Act [Dec. 27, 2020] shall not be considered ineligible for such assistance for such week solely by reason of failure to submit documentation described in clause (iii) of subsection (a)(3)(A) of such section 2102, as added by subsection (a).

“(3) PRIOR APPLICANTS.—With respect to an individual who applied for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) before January 31, 2021, and receives such assistance on or after the date of enactment of this Act, clause (iii) of subsection (a)(3)(A) of such section shall be applied by substituting ‘90 days’ for ‘21 days’.”

Pub. L. 116-260, div. N, title II, §242(b), Dec. 27, 2020, 134 Stat. 1960, provided that: “The requirements imposed by the amendments made by this section [amending this section] shall apply, with respect to agreements made under section 2102 of the CARES Act [Pub. L. 116-136, enacting this section], beginning on the date that is 30 days after the date of enactment of this Act [Dec. 27, 2020].”

Pub. L. 116-260, div. N, title II, §263(b), Dec. 27, 2020, 134 Stat. 1963, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] shall apply with respect to weeks beginning on or after the date that is 30 days after the date of enactment of this section [Dec. 27, 2020].

“(2) SPECIAL RULE.—In the case of any State that made a good faith effort to implement section 2102 of division A of the CARES Act (15 U.S.C. 9021) in accordance with rules similar to those provided in section 625.6 of title 20, Code of Federal Regulations, for weeks ending before the effective date specified in paragraph (1), an individual who received pandemic unemployment assistance from such State for any such week shall not be considered ineligible for such assistance for such week solely by reason of failure to submit a recertification described in subsection (c)(5) of such section 2102.”

HOLD HARMLESS FOR PROPER ADMINISTRATION OF AMENDMENT

Pub. L. 117-2, title IX, §9011(c), Mar. 11, 2021, 135 Stat. 118, provided that: “In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act [Mar. 11, 2021] and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 9016(b) of this title [amending section 9025 of this title], any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.”

Pub. L. 116-260, div. N, title II, §201(e), Dec. 27, 2020, 134 Stat. 1952, provided that: “In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 [of] the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act [Dec. 27, 2020] and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 206(b) of this subtitle [amending section 9025 of this title], any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such sec-

tion 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.”

FIRST APPLICATION LIMITATION

Pub. L. 116-260, div. N, title II, §201(f), Dec. 27, 2020, 134 Stat. 1952, provided that: “In the case of a covered individual whose first application for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) is filed after the date of enactment of this Act [Dec. 27, 2020], subsection (c)(1)(A)(i) of such section 2102 shall be applied by substituting ‘December 1, 2020’ for ‘January 27, 2020’.”

TECHNICAL CORRECTION FOR THE COMMONWEALTH OF NORTHERN MARIANA ISLANDS

Pub. L. 116-260, div. N, title II, §265, Dec. 27, 2020, 134 Stat. 1964, provided that: “A Commonwealth Only Transitional Worker (as defined in section 6(i)(2) of the Joint Resolution entitled ‘A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes’ (48 U.S.C. 1806)) shall be considered a qualified alien under section 431 of Public Law 104-193 (8 U.S.C. 1641) for purposes of eligibility for a benefit under section 2102 or 2104 of the CARES Act [15 U.S.C. 9021, 9023].”

§ 9022. Flexibility in paying reimbursement

The Secretary of Labor may issue clarifying guidance to allow States to interpret their State unemployment compensation laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and assessment of penalties and interest pursuant to such State laws.

(Pub. L. 116-136, div. A, title II, §2103(a), Mar. 27, 2020, 134 Stat. 317.)

§ 9023. Emergency increase in unemployment compensation benefits

(a) Federal-State agreements

Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the “Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) Provisions of agreement

(1) Federal Pandemic Unemployment Compensation

Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents’ allowances) payable for any week shall be equal to—

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount equal to the amount specified in paragraph (3) (in this