#### 117TH CONGRESS 2D SESSION

# H. R. 8000

To provide incentives for States to recover fraudulently paid Federal and State unemployment compensation, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

June 9, 2022

Mr. Brady (for himself, Mr. Buchanan, Mr. Smith of Nebraska, Mr. Kelly of Pennsylvania, Mr. Smith of Missouri, Mr. Rice of South Carolina, Mr. Schweikert, Mrs. Walorski, Mr. Lahood, Mr. Wenstrup, Mr. Arrington, Mr. Ferguson, Mr. Estes, Mr. Smucker, Mr. Hern, Mrs. Miller of West Virginia, Mr. Murphy of North Carolina, Mr. Kustoff, Mr. Comer, Mr. Luetkemeyer, and Mr. Scalise) introduced the following bill; which was referred to the Committee on Ways and Means

## A BILL

To provide incentives for States to recover fraudulently paid Federal and State unemployment compensation, 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 "Chase COVID Unem-
- 5 ployment Fraud Act of 2022".
- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:

- 1 (1) Throughout the COVID-19 pandemic crimi2 nal organizations, including international cybercrime
  3 rings and opportunistic foreign actors, exploited a
  4 national crisis to steal billions from American tax5 payers. Fraud delayed legitimate payments to unem6 ployed workers and turned thousands of Americans
  7 into unwitting identity theft victims.
  - (2) The size, scope, and severity of pandemic unemployment fraud is not fully known.
  - (3) The Labor Department's Office of the Inspector General estimates that at least \$163 billion of the \$872.5 billion in Federal-State unemployment benefits paid during the pandemic could have been improperly paid, with a significant portion attributable to fraud. Just over \$4 billion of these funds have been recovered.
  - (4) The White House has estimated an 18.71 percent improper payment rate in the Federal-State unemployment insurance program in fiscal year 2021. This estimate does not include improper payments made in the Pandemic Unemployment Assistance program, nor does it include the period of greatest fraudulent activity when generous \$600 weekly Federal supplements made unemployment a lucrative target for fraudsters.

- (5) According to the Government Accountability
  Office, from March 2020 through October 2021, 145
  individuals pleaded guilty to Federal charges of defrauding unemployment insurance programs and
  Federal charges are pending against 250 individuals.
  - (6) As of January 2022, the Labor Department's Inspector General reported opening more than 31,000 investigative matters involving alleged unemployment fraud and reported that it assisted other Federal and State agencies in identifying and recovering more than \$565 million in fraudulently stolen unemployment benefits.
  - (7) In California, State workforce officials confirmed they paid out fraudulent unemployment claims totaling \$11 billion and identified another \$20 billion in claims still under investigation.
  - (8) The Pandemic Response Accountability Committee published a report compiling the results of investigations from 16 State auditors, finding \$39 billion in pandemic unemployment fraud.
  - (9) There is growing evidence that criminal groups perpetrating unemployment fraud pose a threat to national security.
- 24 (10) According to the Department of Justice 25 and U.S. Secret Service, a significant amount of

- fraud was driven by known transnational organized criminal networks, including cartels with origins in countries including China, Ghana, Nigeria, Romania, and Russia.
- 5 (11) The Department of Justice reports that 6 the International Organized Crime Intelligence Op-7 erations Center has referred a large number of un-8 employment fraud cases to the Federal Bureau of 9 Investigation.
  - (12) The American people expect Congress to be an effective steward of taxpayer dollars and vigilant in pursuit and recovery of funds when taxpayer dollars are improperly paid.
- 14 (13) Congress has a responsibility to gain res-15 titution for American taxpayers by ensuring aggres-16 sive identification, investigation, and prosecution of 17 criminal fraud in pandemic unemployment pro-18 grams.

### 19 SEC. 3. RECOVERING FEDERAL FRAUDULENT COVID UNEM-

- 20 PLOYMENT COMPENSATION PAYMENTS.
- 21 (a) Allowing States To Retain Percentage of
- 22 Overpayments for Administration, Information
- 23 Technology Modernization, and Program Integ-
- 24 RITY.—

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25 (1) Pandemic unemployment assistance.—

| 1  | (A) IN GENERAL.—Section 2102 of the                     |
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| 2  | CARES Act (15 U.S.C. 9021) is amended—                  |
| 3  | (i) by redesignating subsection (h) as                  |
| 4  | subsection (i); and                                     |
| 5  | (ii) by inserting after subsection (g)                  |
| 6  | the following:  |
| 7  | "(h) Fraud and Overpayments.—                           |
| 8  | "(1) In General.—If an individual knowingly             |
| 9  | has made, or caused to be made by another, a false      |
| 10 | statement or representation of a material fact, or      |
| 11 | knowingly has failed, or caused another to fail, to     |
| 12 | disclose a material fact, and as a result of such false |
| 13 | statement or representation or of such nondisclosure    |
| 14 | such individual has received an amount of pandemic      |
| 15 | unemployment assistance under this section to which     |
| 16 | such individual was not entitled, such individual—      |
| 17 | "(A) shall be ineligible for further pan-               |
| 18 | demic unemployment assistance under this sec-           |
| 19 | tion in accordance with the provisions of the ap-       |
| 20 | plicable State unemployment compensation law            |
| 21 | relating to fraud in connection with a claim for        |
| 22 | unemployment compensation; and                          |
| 23 | "(B) shall be subject to prosecution under              |
| 24 | section 1001 of title 18, United States Code.           |

"(2) Repayment.—In the case of individuals who have received amounts of pandemic unemployment assistance under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

- "(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and
- "(B) such repayment would be contrary to equity and good conscience.

### "(3) RECOVERY BY STATE AGENCY.—

"(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 5-year period after the date such individuals

received the payment of the pandemic unemployment assistance to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State, except that a State may retain a percentage of any amounts recovered as described in subparagraph (C).

- "(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.
- "(C) Retention of Percentage of Recovered funds.—The State agency may retain 25 percent of any amount recovered from overpayments of pandemic unemployment assistance that were determined to be made due to fraud. Amounts so retained by the State agency shall be used for administration of the State's unemployment compensation program for any of following:
  - "(i) Modernizing unemployment compensation systems and information tech-

| 1  | nology to improve accuracy of benefit pay-    |
|----|---|
| 2  | ments, cybersecurity, and identity            |
| 3  | verification and validation of applicants.    |
| 4  | "(ii) Administrative costs incurred by        |
| 5  | the State to identify and pursue recovery     |
| 6  | of fraudulent overpayments.                   |
| 7  | "(iii) Hiring fraud investigators and         |
| 8  | prosecutors.                                  |
| 9  | "(iv) Other program integrity pur-            |
| 10 | poses identified by the State and approved    |
| 11 | by the Secretary.".                           |
| 12 | (B) Conforming amendment.—Section             |
| 13 | 2102(d) of such Act (15 U.S.C. 9021(d)) is    |
| 14 | amended by striking paragraph (4).            |
| 15 | (2) Federal pandemic unemployment com-        |
| 16 | PENSATION.—Section 2104(f)(3) of such Act (15 |
| 17 | U.S.C. 9023(f)(3)) is amended—                |
| 18 | (A) in subparagraph (A)—                      |
| 19 | (i) by striking "3-year" and inserting        |
| 20 | "5-year"; and                                 |
| 21 | (ii) by inserting ", except that a State      |
| 22 | may retain a percentage of any amounts        |
| 23 | recovered as described in subparagraph        |
| 24 | (C)" before the period at the end; and        |
| 25 | (B) by adding at the end the following:       |

| 1  | "(C) Retention of Percentage of Re-            |
|----|--|
| 2  | COVERED FUNDS.—The State agency may re-        |
| 3  | tain 25 percent of any amount recovered from   |
| 4  | overpayments of Federal Pandemic Unemploy-     |
| 5  | ment Compensation or Mixed Earner Unem-        |
| 6  | ployment Compensation that were determined     |
| 7  | to be made due to fraud. Amounts so retained   |
| 8  | by the State agency shall be used for adminis- |
| 9  | tration of the State's unemployment compensa-  |
| 10 | tion program for any of following:             |
| 11 | "(i) Modernizing unemployment com-             |
| 12 | pensation systems and information tech-        |
| 13 | nology to improve accuracy of benefit pay-     |
| 14 | ments, cybersecurity, and identity             |
| 15 | verification and validation of applicants.     |
| 16 | "(ii) Administrative costs incurred by         |
| 17 | the State to identify and pursue recovery      |
| 18 | of fraudulent overpayments.                    |
| 19 | "(iii) Hiring fraud investigators and          |
| 20 | prosecutors.                                   |
| 21 | "(iv) Other program integrity pur-             |
| 22 | poses identified by the State and approved     |
| 23 | by the Secretary.";                            |

| 1  | (3) Pandemic Emergency unemployment            |
|----|--|
| 2  | COMPENSATION.—Section 2107(e)(3) of such Act   |
| 3  | (15 U.S.C. 9025(e)(3)) is amended—             |
| 4  | (A) in subparagraph (A)—                       |
| 5  | (i) by striking "3-year" and inserting         |
| 6  | "5-year"; and                                  |
| 7  | (ii) by inserting ", except that a State       |
| 8  | may retain a percentage of any amounts         |
| 9  | recovered as described in subparagraph         |
| 10 | (C)" before the period at the end; and         |
| 11 | (B) by adding at the end the following:        |
| 12 | "(C) RETENTION OF PERCENTAGE OF RE-            |
| 13 | COVERED FUNDS.—The State agency may re-        |
| 14 | tain 25 percent of any amount recovered from   |
| 15 | overpayments of pandemic emergency unem-       |
| 16 | ployment compensation that were determined to  |
| 17 | be made due to fraud. Amounts so retained by   |
| 18 | the State agency shall be used for administra- |
| 19 | tion of the State's unemployment compensation  |
| 20 | program for any of following:                  |
| 21 | "(i) Modernizing unemployment com-             |
| 22 | pensation systems and information tech-        |
| 23 | nology to improve accuracy of benefit pay-     |
| 24 | ments, cybersecurity, and identity             |
| 25 | verification and validation of applicants.     |

| 1  | "(ii) Reimbursement of administrative                       |
|----|---|
| 2  | costs incurred by the State to identify and                 |
| 3  | pursue recovery of fraudulent overpay-                      |
| 4  | ments.  |
| 5  | "(iii) Hiring fraud investigators and                       |
| 6  | prosecutors.  |
| 7  | "(iv) Other program integrity pur-                          |
| 8  | poses identified by the State and approved                  |
| 9  | by the Secretary.".   |
| 10 | (b) Treatment Under Withdrawal Require-                     |
| 11 | MENTS.—Any amount retained by a State pursuant to sec-      |
| 12 | tion $2102(h)(3)(C)$ , section $2104(f)(3)(C)$ , or         |
| 13 | 2107(e)(3)(C) of the CARES Act, and used for the pur-       |
| 14 | poses described therein, shall not be considered to violate |
| 15 | the withdrawal requirements of paragraph (4) or (5) of      |
| 16 | section 303(a) of the Social Security Act (42 U.S.C.        |
| 17 | 503(a)) or paragraph (4) or (5) of section 3304(a) of the   |
| 18 | Internal Revenue Code of 1986.                              |
| 19 | (c) Limitation on Retention Authority.—The                  |
| 20 | authority of a State to retain any amount pursuant to sec-  |
| 21 | tion $2102(h)(3)(C)$ , section $2104(f)(3)(C)$ , and        |
| 22 | 2107(e)(3)(C) of the CARES Act shall apply only—            |
| 23 | (1) with respect to an amount recovered on or               |
| 24 | after the date of enactment of this Act; and                |

| 1  | (2) during the 5-year period beginning on the      |
|----|--|
| 2  | date on which such amount was received by an indi- |
| 3  | vidual not entitled to such amount.                |
| 4  | SEC. 4. PERMISSIBLE USES OF UNEMPLOYMENT FUND FOR  |
| 5  | PROGRAM ADMINISTRATION.                            |
| 6  | (a) Withdrawal Standard in the Internal            |
| 7  | Revenue Code.—Section 3304(a)(4) of the Internal   |
| 8  | Revenue Code of 1986 is amended—                   |
| 9  | (1) in subparagraph (F), by striking "and"         |
| 10 | after the semicolon; and                           |
| 11 | (2) by inserting after subparagraph (G) the fol-   |
| 12 | lowing new subparagraphs:                          |
| 13 | "(H) an amount, not to exceed 5 percent,           |
| 14 | of any overpayment of compensation recovered       |
| 15 | by the State (other than an overpayment made       |
| 16 | as the result of agency error) may, immediately    |
| 17 | following the State's receipt of such recovered    |
| 18 | amount, be deposited in a State fund from          |
| 19 | which money may be withdrawn for—                  |
| 20 | "(i) the payment of costs of deterring,            |
| 21 | detecting, and collecting improper pay-            |
| 22 | ments to individuals;                              |
| 23 | "(ii) purposes relating to the proper              |
| 24 | classification of employees as independent         |
| 25 | contractors, implementation of provisions          |

| 1  | of State law implementing section 303(k)             |
|----|--|
| 2  | of the Social Security Act, or other provi-          |
| 3  | sions of State law relating to employer              |
| 4  | fraud or evasion of contributions;                   |
| 5  | "(iii) the payment to the Secretary of               |
| 6  | the Treasury to the credit of the account            |
| 7  | of the State in the Unemployment Trust               |
| 8  | Fund;  |
| 9  | "(iv) modernizing the State's unem-                  |
| 10 | ployment insurance technology infrastruc-            |
| 11 | ture; or   |
| 12 | "(v) otherwise assisting States in im-               |
| 13 | proving the timely and accurate adminis-             |
| 14 | tration of a State's unemployment com-               |
| 15 | pensation law; and                                   |
| 16 | "(I) an amount, not to exceed 5 percent,             |
| 17 | of any payments of contributions, or payments        |
| 18 | in lieu of contributions, that are collected as a    |
| 19 | result of an investigation and assessment by the     |
| 20 | State agency may, immediately following receipt      |
| 21 | of such payments, be deposited in a State fund       |
| 22 | from which moneys may be withdrawn for the           |
| 23 | purposes specified in subparagraph (H);".            |
| 24 | (b) Definition of Unemployment Fund.—Sec-            |
| 25 | tion 3306(f) of the Internal Revenue Code of 1986 is |

- 1 amended by striking "and for refunds of sums" and all
- 2 that follows and inserting ", except as otherwise provided
- 3 in section 3304(a)(4), section 303(a)(5) of the Social Se-
- 4 curity Act, or any other provision of Federal unemploy-
- 5 ment compensation law.".
- 6 (c) WITHDRAWAL STANDARD IN SOCIAL SECURITY
- 7 Act.—Section 303(a)(5) of the Social Security Act (42
- 8 U.S.C. 503(a)(5)) is amended by striking "and for refunds
- 9 of sums" and all that follows and inserting "except as oth-
- 10 erwise provided in this section, section 3304(a)(4) of the
- 11 Internal Revenue Code of 1986, or any other provisions
- 12 of Federal unemployment compensation law; and".
- 13 (d) Immediate Deposit Requirements in the In-
- 14 TERNAL REVENUE CODE.—Section 3304(a)(3) of the In-
- 15 ternal Revenue Code of 1986 is amended to read as fol-
- 16 lows:
- 17 "(3) all money received in the unemployment
- fund shall immediately upon such receipt be paid
- over to the Secretary of the Treasury to the credit
- of the Unemployment Trust Fund established by
- section 904 of the Social Security Act (42 U.S.C.
- 22 1104), except for—
- 23 "(A) refunds of sums improperly paid into
- such fund;

- 1 "(B) refunds paid in accordance with the 2 provisions of section 3305(b); and
- 3 "(C) amounts deposited in a State fund in
- 4 accordance with subparagraph (H) or (I) of
- 5 paragraph (4);".
- 6 (e) Immediate Deposit Requirement in Social
- 7 SECURITY ACT REQUIREMENT.—Section 303(a)(4) of the
- 8 Social Security Act (42 U.S.C. 503(a)(4)) is amended by
- 9 striking the parenthetical and inserting "(except as other-
- 10 wise provided in this section, section 3304(a)(3) of the In-
- 11 ternal Revenue Code of 1986, or any other provisions of
- 12 Federal unemployment compensation law)".
- 13 (f) Application to Federal Payments.—When
- 14 administering any Federal program providing compensa-
- 15 tion (as defined in section 3306 of the Internal Revenue
- 16 Code of 1986, the State shall use the authority provided
- 17 under subparagraphs (H) and (I) of section 3304(a)(4)
- 18 of such Code in the same manner as such authority is
- 19 used with respect to improper payments made under the
- 20 State unemployment compensation law. With respect to
- 21 improper Federal payments recovered consistent with the
- 22 authority under subparagraphs (H) and (I) of such sec-
- 23 tion, the State shall immediately deposit the same percent-
- 24 age of the recovered payments into the same State fund
- 25 as provided in the State law implementing that section.

| 1  | (g) Effective Date.—The amendments made by   |
|--|--|
| 2  | this section shall apply to overpayments or payments or  |
| 3  | contributions (or payments in lieu of contributions) that  |
| 4  | are collected as a result of an investigation and assessment   |
| 5  | by the State agency after the end of the 2-year period be-   |
| 6  | ginning on the date of the enactment of this Act, except   |
| 7  | that nothing in this section shall be interpreted to prevent   |
| 8  | a State from amending its law before the end of such pe-   |
| 9  | riod.  |
| 10   | SEC. 5. PREVENTING UNEMPLOYMENT COMPENSATION   |
| 11   | FRAUD THROUGH DATA MATCHING, IDEN-   |
|  |  |
| 12   | TITY VERIFICATION, AND INCOME  |
|  | TITY VERIFICATION, AND INCOME VERIFICATION.  |
| 12   | ,  |
| 12<br>13   | VERIFICATION.  |
| 12<br>13<br>14   | VERIFICATION.  (a) Unemployment Compensation Data Integ-   |
| 12<br>13<br>14<br>15                                     | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  |
| 12<br>13<br>14<br>15                                     | VERIFICATION.  (a) Unemployment Compensation Data Integrity Hub.—  (1) In general.—Section 303(a) of the Social  |
| 112<br>113<br>114<br>115<br>116                          | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by add-   |
| 12<br>13<br>14<br>15<br>16<br>17                         | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by adding at the end the following:   |
| 12<br>13<br>14<br>15<br>16<br>17<br>18                   | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by adding at the end the following:  "(13) The State agency charged with adminis-   |
| 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20       | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by adding at the end the following:  "(13) The State agency charged with administration of the State law shall use the system des-  |
| 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21 | VERIFICATION.  (a) UNEMPLOYMENT COMPENSATION DATA INTEGRITY HUB.—  (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by adding at the end the following:  "(13) The State agency charged with administration of the State law shall use the system designated by the Secretary of Labor for cross-match- |

| 1  | (b) Use of Fraud Prevention and Detection            |
|----|--|
| 2  | Systems in Administration of Unemployment Com-       |
| 3  | PENSATION PROGRAMS.—                                 |
| 4  | (1) In general.—Section 303 of the Social            |
| 5  | Security Act (42 U.S.C. 503), as amended by sub-     |
| 6  | section (a), is further amended by adding at the end |
| 7  | the following:                                       |
| 8  | "(n) State Use of Fraud Prevention and De-           |
| 9  | TECTION SYSTEMS.—                                    |
| 10 | "(1) IN GENERAL.—The State agency charged            |
| 11 | with administration of the State law shall establish |
| 12 | procedures to do the following:                      |
| 13 | "(A) NATIONAL DIRECTORY OF NEW                       |
| 14 | HIRES.—Use the National Directory of New             |
| 15 | Hires established under section 453(i)—              |
| 16 | "(i) to compare information in such                  |
| 17 | Directory against information about indi-            |
| 18 | viduals claiming unemployment compensa-              |
| 19 | tion to identify any such individuals who            |
| 20 | may have become employed, in accordance              |
| 21 | with any regulations that the Secretary of           |
| 22 | Health and Human Services may issue and              |
| 23 | consistent with the computer matching                |
| 24 | provisions of the Privacy Act of 1974;               |

| 1  | "(ii) to take timely action to verify               |
|----|---|
| 2  | whether the individuals identified pursuant         |
| 3  | to clause (i) are employed; and                     |
| 4  | "(iii) upon verification pursuant to                |
| 5  | clause (ii), to take appropriate action to          |
| 6  | suspend or modify unemployment com-                 |
| 7  | pensation payments, and to initiate recov-          |
| 8  | ery of any improper unemployment com-               |
| 9  | pensation payments that have been made.             |
| 10 | "(B) STATE INFORMATION DATA EX-                     |
| 11 | CHANGE SYSTEM.—Use the Department of La-            |
| 12 | bor's State Information Data Exchange System        |
| 13 | to facilitate employer responses to requests for    |
| 14 | information from State workforce agencies.          |
| 15 | "(C) Incarcerated individuals.—Seek                 |
| 16 | information from the Commissioner of Social         |
| 17 | Security under sections 202(x)(3)(B)(iv) and        |
| 18 | 1611(e)(1)(I)(iii), and from such other sources     |
| 19 | as the State agency determines appropriate, to      |
| 20 | obtain the information necessary to carry out       |
| 21 | the provisions of a State law under which an in-    |
| 22 | dividual who is confined in a jail, prison, or      |
| 23 | other penal institution or correctional facility is |

ineligible for unemployment compensation on

account of such individuals inability to satisfy
the requirement under subsection (a)(12).

"(D) DECEASED INDIVIDUALS.—Compare information of individuals claiming unemployment compensation against the information regarding deceased individuals furnished to or maintained by the Commissioner of Social Security under section 205(r).

"(2) Enforcement.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that the State agency fails to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to such State.

"(3) Unemployment compensation.—For the purposes of this subsection, any reference to unemployment compensation described in this paragraph shall be considered to refer to—

| 1  | "(A) regular or extended compensation (as                 |
|----|---|
| 2  | defined by section 205 of the Federal-State Ex-           |
| 3  | tended Unemployment Compensation Act of                   |
| 4  | 1970);  |
| 5  | "(B) unemployment compensation (as de-                    |
| 6  | fined by section 85(b) of the Internal Revenue            |
| 7  | Code of 1986) provided under any program ad-              |
| 8  | ministered by a State under an agreement with             |
| 9  | the Secretary; and  |
| 10 | "(C) short-time compensation under a                      |
| 11 | short-time compensation program (as defined in            |
| 12 | section 3306(v) of the Internal Revenue Code of           |
| 13 | 1986).".  |
| 14 | (e) Effective Date.—The amendments made by                |
| 15 | this section shall take effect with respect to each State |
| 16 | to weeks of unemployment beginning on or after the ear-   |
| 17 | lier of—  |
| 18 | (1) the date the State changes its statutes, reg-         |
| 19 | ulations, or policies in order to comply with such        |
| 20 | amendment; or   |
| 21 | (2) October 1, 2024.                                      |
| 22 | SEC. 6. REPORTING UNEMPLOYMENT COMPENSATION               |
| 23 | OVERPAYMENTS AND FRAUD.                                   |
| 24 | (a) In General.—The Secretary of Labor shall col-         |
| 25 | lect data from each State on the amount of overpayment    |

- 1 recoveries that are waived related to unemployment com-
- 2 pensation programs authorized by the CARES Act (15
- 3 U.S.C. 9021 et. seq.), with a separate accounting for the
- 4 pandemic unemployment assistance program, and any un-
- 5 employment compensation amounts excluded by each
- 6 State from IRS Form 1099-G, Certain Government Pay-
- 7 ments, during taxable years 2020 and 2021 due to sus-
- 8 pected or confirmed fraud.
- 9 (b) Report to Congress.—Not later than 120 days
- 10 after the date of enactment of this Act, the Secretary of
- 11 Labor shall submit a report to the Committees on Ways
- 12 and Means and Oversight and Reform of the House of
- 13 Representatives and the Committees on Finance and
- 14 Homeland Security and Governmental Affairs of the Sen-
- 15 ate that conveys the overpayment data described in sub-
- 16 paragraph (a) and includes an estimate of the aggregate
- 17 amount of pandemic unemployment compensation over-
- 18 payments nationally, including the subset of overpayments
- 19 made due to fraud, and total amounts recovered by Fed-
- 20 eral or State agencies. Such report shall be updated by
- 21 the Secretary not later than 120 days after submission
- 22 of the initial report to Congress.
- 23 (c) Expedited Collection.—The Secretary of
- 24 Labor may waive the requirements of subchapter I of
- 25 chapter 35 of title 44, United States Code (commonly re-

- 1 ferred to as the "Paperwork Reduction Act") with respect
- 2 to the provisions in the amendments made by this Act.
- 3 SEC. 7. PROHIBITION ON DEPARTMENT OF LABOR ALLOW-
- 4 ING BLANKET WAIVERS OF OVERPAYMENTS.
- 5 Upon the date of enactment, the Secretary of Labor
- 6 shall be prohibited from issuing guidance that permits
- 7 States to use blanket or issue categorical waivers of over-
- 8 payment recovery in Federal pandemic unemployment
- 9 compensation programs authorized under the CARES Act
- 10 (15 U.S.C. 9021 et. seq.). The Secretary shall amend or
- 11 rescind any guidance as necessary to conform with the
- 12 prohibition in the preceding sentence.
- 13 SEC. 8. EXTENSION OF EMERGENCY STATE STAFFING
- 14 FLEXIBILITY.
- 15 If a State modifies its unemployment compensation
- 16 law and policies with respect to personnel standards on
- 17 a merit basis on an emergency temporary basis as deter-
- 18 mined by the Secretary, including for detection, pursuit,
- 19 and recovery of fraudulent pandemic unemployment bene-
- 20 fits, subject to the succeeding sentence, such modifications
- 21 shall be disregarded for the purposes of applying section
- 22 303 of the Social Security Act (42 U.S.C. 503) and section
- 23 3304 of the Internal Revenue Code of 1986 to such State
- 24 law. Such modifications shall apply through December 31,
- 25 2023, and may include engaging temporary staff, hiring

- 1 retirees or former employees on a non-competitive basis,
- 2 contracting with vendors, and other temporary actions to
- 3 identify, investigate, prosecute, and recover fraudulent

4 pandemic unemployment compensation benefits.

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