

116TH CONGRESS  
2D SESSION

# H. R. 6198

To provide emergency paid leave benefits to certain individuals affected by COVID-19, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2020

Mrs. MURPHY of Florida (for herself, Mr. CUNNINGHAM, Ms. KENDRA S. HORN of Oklahoma, and Ms. TORRES SMALL of New Mexico) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide emergency paid leave benefits to certain individuals affected by COVID-19, 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 “Emergency Paid Leave  
5 Act of 2020”.

6 **SEC. 2. EMERGENCY PAID LEAVE BENEFITS.**

7 The Social Security Act is amended by inserting after  
8 title V the following:

1       **“TITLE VI—EMERGENCY PAID**  
2                               **LEAVE BENEFITS**

3       **“SEC. 601. DEFINITIONS.**

4               “In this title, the following definitions apply:

5                       “(1) EMERGENCY LEAVE DAY.—

6                               “(A) IN GENERAL.—The term ‘emergency  
7                               leave day’ means, with respect to an individual,  
8                               a calendar day in which the individual is not  
9                               able to engage in employment due to any of the  
10                              following reasons:

11                             “(i) The individual has a current di-  
12                             agnosis of COVID-19.

13                             “(ii) The individual is under quar-  
14                             antine (including self-imposed quarantine),  
15                             at the instruction of a health care provider,  
16                             employer, or a local, State, or Federal offi-  
17                             cial, in order to prevent the spread of  
18                             COVID-19.

19                             “(iii) The individual is engaged in  
20                             caregiving for an individual who has a cur-  
21                             rent diagnosis of COVID-19 or is under  
22                             quarantine as described in clause (ii).

23                             “(iv) The individual is engaged in  
24                             caregiving, because of the COVID-19-re-  
25                             lated closing of a school or other care facil-

1           ity or care program, for a child or other in-  
2           dividual unable to provide self-care.

3           “(B) LIMITATION.—No calendar day may  
4           be treated as an emergency leave day with re-  
5           spect to an individual if the individual—

6                   “(i) received any form of compensa-  
7                   tion from an employer (other than State or  
8                   private paid leave), including wages or any  
9                   form of accrued paid leave, for such day;  
10                  or

11                   “(ii) was eligible for unemployment  
12                   compensation for the week in which such  
13                   day occurs.

14           “(2) COMMISSIONER.—The term ‘Commis-  
15           sioner’ means the Commissioner of Social Security.

16           “(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
17           individual’ means an individual who had wages or  
18           self-employment income during the 30-day period  
19           ending on the first emergency leave day with respect  
20           to such individual.

21           “(4) SELF-EMPLOYMENT INCOME.—The term  
22           ‘self-employment income’ has the meaning given the  
23           term in section 1402(b) of the Internal Revenue  
24           Code of 1986 for purposes of the taxes imposed by  
25           section 1401(b) of such Code.

1           “(5) STATE.—The term ‘State’ means any  
2 State of the United States or the District of Colum-  
3 bia or any territory or possession of the United  
4 States.

5           “(6) STATE OR PRIVATE PAID LEAVE.—The  
6 term ‘State or private paid leave’ means a benefit  
7 which provides full or partial wage replacement to  
8 employees on the basis of specifically defined quali-  
9 fying events described in section 102 of the Family  
10 and Medical Leave Act of 1993 or defined by a writ-  
11 ten employer policy or State law and which ends ei-  
12 ther when the qualifying event is no longer applica-  
13 ble or a set period of benefits is exhausted.

14           “(7) UNEMPLOYMENT COMPENSATION.—The  
15 term ‘unemployment compensation’ means—

16           “(A) ‘regular compensation’, ‘extended  
17 compensation’, and ‘additional compensation’  
18 (as such terms are defined by section 205 of  
19 the Federal-State Extended Unemployment  
20 Compensation Act (26 U.S.C. 3304 note)); and

21           “(B) assistance under section 410 of the  
22 Robert T. Stafford Disaster Relief and Emer-  
23 gency Assistance Act (42 U.S.C. 5177).

24           “(8) WAGES.—The term ‘wages’ has the mean-  
25 ing given such term in section 3121(a) of the Inter-

1       nal Revenue Code of 1986 for purposes of the taxes  
2       imposed by sections 3101(b) and 3111(b) of such  
3       Code.

4       **“SEC. 602. EMERGENCY PAID LEAVE BENEFITS.**

5       “(a) IN GENERAL.—The Commissioner shall pay an  
6       emergency paid leave benefit, to be paid electronically or,  
7       if necessary, by mail, to each eligible individual for each  
8       30-day period beginning and ending in the benefit period  
9       (not to exceed 3) for which the eligible individual has filed  
10      an application containing such certifications as required  
11      under subsection (e).

12      “(b) BENEFIT AMOUNT.—

13          “(1) IN GENERAL.—Subject to paragraph (2),  
14      the amount of the emergency paid leave benefit to  
15      which an individual is entitled under subsection (a)  
16      for a 30-day period shall be an amount (not to ex-  
17      ceed \$4,000) equal to  $\frac{2}{3}$  of the individual’s average  
18      monthly earnings.

19          “(2) REDUCTION BASED ON RECEIPT OF STATE  
20      OR PRIVATE PAID LEAVE.—The amount of an emer-  
21      gency paid leave benefit to which an individual is en-  
22      titled under subsection (a) for a 30-day period shall  
23      be reduced by \$1 for each dollar of State or private  
24      paid leave received by the individual for such period.

1           “(3) AVERAGE MONTHLY EARNINGS.—For pur-  
2           poses of this subsection, an individual’s average  
3           monthly earnings shall be equal to the quotient ob-  
4           tained by dividing—

5                   “(A) the total of the wages and self-em-  
6                   ployment income received by the individual dur-  
7                   ing the most recent calendar year preceding an  
8                   application for an emergency paid leave benefit  
9                   under this section for which data is available to  
10                  the Commissioner; by

11                   “(B) 12.

12           “(c) BENEFIT PERIOD.—For purposes of this sec-  
13           tion, the benefit period begins on January 19, 2020, and  
14           ends on the date that is 1 year after the date of enactment  
15           of this title.

16           “(d) RETROACTIVE BENEFITS.—An application for  
17           benefits for any month beginning and ending in the benefit  
18           period may be filed at any time prior to the date that is  
19           180 days after the end of such benefit period.

20           “(e) APPLICATION.—

21                   “(1) IN GENERAL.—An application for an emer-  
22                   gency paid leave benefit under this section for a 30-  
23                   day period shall include—

24                   “(A) an attestation by the individual—

1           “(i) that he or she is an eligible indi-  
2           vidual;

3           “(ii) that at least 14 emergency leave  
4           days with respect to the individual oc-  
5           curred, or are expected to occur, during  
6           such period; and

7           “(iii) that the individual has informed  
8           his or her employer of the individual’s need  
9           to take emergency leave, if the individual  
10          has an employer.

11          “(2) AVAILABILITY.—The Commissioner shall  
12          accept applications online, by telephone, and by  
13          mail.

14          “(3) AUTHENTICATION OF IDENTITY.—The  
15          Commissioner is authorized to take such steps as are  
16          necessary to authenticate the identity of applicants.

17          “(4) PENALTIES FOR FRAUD.—Any fraud or  
18          misrepresentation relating to an application for ben-  
19          efits under this title shall be treated as a violation  
20          of section 208.

21          “(f) INELIGIBILITY BASED ON FRAUD AND CRIMINAL  
22          ACTIVITY.—

23          “(1) INELIGIBILITY FOLLOWING CERTAIN CON-  
24          VICTIONS.—An individual who has been convicted of  
25          a violation under section 208 or who has been found

1 to have used false statements to secure benefits  
2 under this section shall be ineligible for benefits  
3 under this section.

4 “(2) INELIGIBILITY OF PRISONERS.—An indi-  
5 vidual shall be ineligible for a benefit under this sec-  
6 tion for any 30-day period with respect to which the  
7 individual is an individual described in clause (i),  
8 (ii), or (iii) of section 202(x)(1)(A).

9 “(g) REVIEW OF ELIGIBILITY AND BENEFIT PAY-  
10 MENT DETERMINATIONS.—

11 “(1) BURDEN OF PROOF.—An application for  
12 benefits under this section shall be presumed to be  
13 true and accurate, unless the Commissioner dem-  
14 onstrates by a preponderance of the evidence that  
15 information contained in the application is false.

16 “(2) REVIEW.—

17 “(A) IN GENERAL.—An individual may re-  
18 quest review of an adverse determination with  
19 respect to such application or of a benefit pay-  
20 ment determination and shall have the same ap-  
21 peals rights as provided under title II.

22 “(B) FINAL DETERMINATIONS.—All final  
23 determinations of the Commissioner under this  
24 subsection shall be reviewable according to the  
25 procedures set out in section 205.



1           “(3) PROGRAM INTEGRITY.—The Commissioner  
2 shall have the authority to conduct random sample  
3 audits of benefits provided under this title to ensure  
4 compliance with the eligibility requirements for such  
5 benefits.

6           “(h) PROTECTION OF EXISTING BENEFIT RIGHTS.—

7           “(1) IN GENERAL.—This title does not preempt  
8 or supercede any provision of State or local law that  
9 authorizes a State or local municipality to provide  
10 paid leave benefits similar to the benefits provided  
11 under this title.

12           “(2) GREATER BENEFITS ALLOWED.—Nothing  
13 in this title shall be construed to diminish the obli-  
14 gation of an employer to comply with any contract,  
15 collective bargaining agreement, or any employment  
16 benefit program or plan that provides greater paid  
17 leave or other leave rights to employees than the  
18 rights established under this title.

19           “(i) REIMBURSEMENT GRANTS TO STATES.—Not  
20 later than July 1, 2021, the Secretary of the Treasury,  
21 in consultation with the Commissioner of Social Security,  
22 shall make a grant to each State in an amount equal to  
23 the total amount, for all 30-day periods beginning and  
24 ending in the benefit period, by which benefits under this  
25 title were reduced under subsection (b)(2) as a result of

1 State and private paid leave paid by such State or under  
2 the law of such State.

3 “(j) **APPLICABILITY OF CERTAIN TITLE II PROVI-**  
4 **SIONS.**—The provisions of sections 204, 205, 206, and  
5 208 shall apply to benefit payments made under this sec-  
6 tion in the same way that such provisions apply to benefit  
7 payments made under title II.

8 “(k) **NO EFFECT ON ELIGIBILITY FOR SSI.**—Any  
9 benefit paid to an individual under this title shall not be  
10 regarded as income or resources for any month, for pur-  
11 poses of determining the eligibility of the recipient (or the  
12 recipient’s spouse or family) for benefits or assistance, or  
13 the amount or extent of benefits or assistance, under the  
14 Supplemental Security Income program.

15 **“SEC. 603. FUNDING AND EXPEDITED IMPLEMENTATION**  
16 **AUTHORITY.**

17 “(a) **FUNDING.**—There are appropriated such sums  
18 as necessary to the Commissioner of Social Security to ad-  
19 minister and pay benefits under the program established  
20 under this title, and to the Secretary of the Treasury for  
21 reimbursement grants under section 602(i).

22 “(b) **EXPEDITED IMPLEMENTATION AUTHORITY.**—  
23 In order to expedite the implementation of the emergency  
24 paid leave program under this title, the Commissioner is  
25 authorized to waive existing Federal requirements regard-

1 ing paperwork reduction, system of records notices, con-  
2 tracting and acquisitions, and hiring.

3 “(c) PROTECTION OF EXISTING EMPLOYEE  
4 RIGHTS.—This title does not preempt or supersede exist-  
5 ing collective bargaining agreements.

6 **“SEC. 604. PROTECTION OF SOCIAL SECURITY TRUST**  
7 **FUNDS.**

8 “No funds from the Federal Old-Age and Survivors  
9 Insurance Trust Fund or the Federal Disability Insurance  
10 Trust Fund, or appropriated to the Social Security Ad-  
11 ministration for the administration of titles II or XVI,  
12 may be used for any purpose under this title.

13 **“SEC. 605. TAXATION OF EMERGENCY LEAVE BENEFITS.**

14 “No amount received by an individual under this title  
15 shall be included in gross income for purposes of the Inter-  
16 nal Revenue Code of 1986.”.

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