

117TH CONGRESS  
1ST SESSION

# S. 2865

To improve the unemployment insurance program.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2021

Mr. WYDEN introduced the following bill; which was read twice and referred  
to the Committee on Finance

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## A BILL

To improve the unemployment insurance program.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Unemployment Insurance Improvement Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Floor on the number of weeks.
- Sec. 3. Base period.
- Sec. 4. Minimum level of prior employment.
- Sec. 5. Part-time work.
- Sec. 6. Access to benefits.

1 **SEC. 2. FLOOR ON THE NUMBER OF WEEKS.**

2 (a) IN GENERAL.—Section 3304(a) of the Internal  
3 Revenue Code of 1986 is amended—

4 (1) in paragraph (18), by striking “and” at the  
5 end;

6 (2) by redesignating paragraph (19) as para-  
7 graph (20); and

8 (3) by inserting after paragraph (18) the fol-  
9 lowing new paragraph:

10 “(19) the minimum duration of benefits is at  
11 least 26 weeks and no variable duration formula  
12 that provides for maximum weeks of benefits of  
13 fewer than 26 weeks is used, or, in the case of a  
14 State that uses a maximum benefit entitlement, an  
15 individual’s maximum benefit entitlement may not  
16 be less than 26 times the individual’s weekly benefit  
17 amount; and”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall apply to weeks of unemployment be-  
20 ginning on or after the earlier of—

21 (1) the date the State changes its statutes, reg-  
22 ulations, or policies in order to comply with such  
23 amendments; or

24 (2) January 1, 2024.

1 **SEC. 3. BASE PERIOD.**

2 (a) IN GENERAL.—Section 3304(a) of the Internal  
3 Revenue Code of 1986, as amended by section 2, is  
4 amended—

5 (1) in paragraph (19), by striking “and” at the  
6 end;

7 (2) by redesignating paragraph (20) as para-  
8 graph (21); and

9 (3) by inserting after paragraph (19) the fol-  
10 lowing new paragraphs:

11 “(20) the State law—

12 “(A) uses a base period that consists of at  
13 least 4 completed calendar quarters preceding  
14 the effective date of the claim and includes the  
15 most recently completed calendar quarter before  
16 the start of the benefit year for purposes of de-  
17 termining eligibility for unemployment com-  
18 pensation; or

19 “(B) provides that, in the case of an indi-  
20 vidual who would not otherwise be eligible for  
21 unemployment compensation under the State  
22 law because of the use of a base period that  
23 does not meet the requirements described in  
24 subparagraph (A), eligibility is determined  
25 using a base period that consists of at least 4  
26 completed calendar quarters preceding the ef-

1           fective date of the claim and includes the most  
2           recently completed calendar quarter before the  
3           start of the benefit year; and”.

4           (b) EFFECTIVE DATE.—The amendments made by  
5           subsection (a) shall apply to weeks of unemployment be-  
6           ginning on or after the earlier of—

7                   (1) the date the State changes its statutes, reg-  
8                   ulations, or policies in order to comply with such  
9                   amendments; or

10                   (2) January 1, 2024.

11 **SEC. 4. MINIMUM LEVEL OF PRIOR EMPLOYMENT.**

12           (a) REQUIREMENT.—

13                   (1) IN GENERAL.—Section 3304(a) of the In-  
14                   ternal Revenue Code of 1986, as amended by sec-  
15                   tions 2 and 3, is amended—

16                           (A) in paragraph (20), by striking “and”  
17                           at the end;

18                           (B) by redesignating paragraph (21) as  
19                           paragraph (22); and

20                           (C) by inserting after paragraph (20) the  
21                           following new paragraph:

22                           “(21) compensation is not denied to an other-  
23                           wise eligible individual if the individual earned at  
24                           least \$1,000 in covered wages during the highest

1 quarter of the base period and at least \$1,500 in  
2 covered wages during the base period; and”.

3 (2) STATE MAY REDUCE MINIMUM THRESH-  
4 OLDS.—Nothing in paragraph (21) of section  
5 3304(a) of the Internal Revenue Code of 1986, as  
6 added by paragraph (1), shall preclude a State from  
7 reducing the dollar thresholds described in such  
8 paragraph (22).

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall apply to weeks of unemployment be-  
11 ginning on or after the earlier of—

12 (1) the date the State changes its statutes, reg-  
13 ulations, or policies in order to comply with such  
14 amendments; or

15 (2) January 1, 2024.

16 **SEC. 5. PART-TIME WORK.**

17 (a) IN GENERAL.—Section 3304(a) of the Internal  
18 Revenue Code of 1986, as amended by sections 2, 3, and  
19 4, is amended—

20 (1) in paragraph (21), by striking “and” at the  
21 end;

22 (2) by redesignating paragraph (22) as para-  
23 graph (25); and

24 (3) by inserting after paragraph (21) the fol-  
25 lowing new paragraphs:

1           “(22) an individual is not denied unemployment  
2           compensation under any State law provisions relat-  
3           ing to ability to work, availability for work, active  
4           search for work, or refusal to accept work, solely on  
5           the basis of the number of hours of work such indi-  
6           vidual is seeking, provided that the individual is  
7           seeking at least the lesser of—

8                       “(A) 20 hours of work per week; or

9                       “(B) a number of hours of work per week  
10           equal to at least one half of the typical number  
11           of hours worked per week in the individual’s  
12           base period;

13           “(23) an individual may claim benefits for a  
14           week of partial unemployment, including in cir-  
15           cumstances where an individual has had their hours  
16           reduced or performs part-time work while continuing  
17           to search for additional part-time or full-time work,  
18           if their earnings are less than the individual’s weekly  
19           benefit amount;

20           “(24) when determining the weekly benefit  
21           amount for an individual claiming a benefit for a  
22           week of partial unemployment, the State disregards,  
23           at a minimum, earnings equal to  $\frac{1}{3}$  of the individ-  
24           ual’s weekly benefit amount in computing the indi-

1       vidual’s weekly benefit for partial unemployment;  
2       and”.

3       (b) **EFFECTIVE DATE.**—The amendments made by  
4 subsection (a) shall apply to weeks of unemployment be-  
5 ginning on or after the earlier of—

6           (1) the date the State changes its statutes, reg-  
7       ulations, or policies in order to comply with such  
8       amendments; or

9           (2) January 1, 2024.

10 **SEC. 6. ACCESS TO BENEFITS.**

11       Section 303 of the Social Security Act (42 U.S.C.  
12 503) is amended by adding at the end the following new  
13 subsection:

14       “(n) **ACCESS TO BENEFITS.**—

15           “(1) **IN GENERAL.**—Not later than January 1,  
16 2024, the State agency charged with the administra-  
17 tion of the State law shall, in accordance with stand-  
18 ards established by the Secretary—

19                   “(A) require that employers in the State  
20       provide information regarding claim-filing for  
21       unemployment compensation to employees upon  
22       separation from employment;

23                   “(B) have in place methods for employers  
24       to notify the State workforce agency of employ-  
25       ees who may apply for unemployment com-

1           pensation due to short-term layoffs, business  
2           shutdowns, partial unemployment, and short-  
3           time compensation;

4           “(C) ensure that any online claim-filing  
5           system used by the State—

6                   “(i) can be readily understood and  
7                   used by the vast majority of applicants and  
8                   claimants, including individuals with lim-  
9                   ited English proficiency, individuals with  
10                  disabilities, older individuals, and individ-  
11                  uals with literacy challenges;

12                  “(ii) is available in any language spo-  
13                  ken by more than 1 percent of the State’s  
14                  population (with such translations com-  
15                  pleted by human translators rather than  
16                  translation software);

17                  “(iii) is accessible and optimized for  
18                  all commonly used desktop computers, tab-  
19                  lets, and mobile devices and operating sys-  
20                  tems such that any features of the online  
21                  claim filing component (such as the ability  
22                  to upload documentation) that are avail-  
23                  able in the desktop version of the online  
24                  claim filing component are also available in  
25                  the tablet and mobile versions;



1 “(iv) allows for electronic submission  
2 of documentation required to support a  
3 claim, including the ability of applicants  
4 and claimants to scan or photograph and  
5 submit documentation using a tablet or  
6 mobile device;

7 “(v) is available 24 hours a day, 7  
8 days a week, with the exception of sched-  
9 uled and emergency maintenance that shall  
10 be conducted, to the extent practicable, at  
11 nonpeak hours;

12 “(vi) provides self-service account re-  
13 covery that can be completed online; and

14 “(vii) deploys multiple methods of  
15 communication with applicants and claim-  
16 ants, such as short message service (SMS)  
17 message, email, postal mail, live chat, or  
18 chatbots; and

19 “(D) ensure that alternate means of claim  
20 filing are available for individuals who are un-  
21 able to file through the State’s online claim-fil-  
22 ing system.

23 “(2) ENFORCEMENT.—Whenever the Secretary  
24 of Labor, after reasonable notice and opportunity for  
25 hearing to the State agency charged with the admin-

1       istration of the State law, finds that there is a fail-  
2       ure to comply substantially with the requirements of  
3       paragraph (1), the Secretary of Labor shall notify  
4       such State agency that further payments will not be  
5       made to the State until the Secretary of Labor is  
6       satisfied that there is no longer any such failure.  
7       Until the Secretary of Labor is so satisfied, such  
8       Secretary shall make no future certification to the  
9       Secretary of the Treasury with respect to the  
10      State.”.

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