

Johnson Amendment to H.R. 6201

The Johnson amendment ensures workers affected by coronavirus will not have to worry about paying their bills, and employers will not have to worry about going into bankruptcy by paying their employees when they are not generating revenue.

The amendment accomplishes this by:

- Removing the paid leave mandates from H.R. 6201 that will do economic harm and jeopardize employers' chances of still being in business once the coronavirus emergency has passed;
- Creating a Temporary Emergency Federal Unemployment Insurance Program in which states must expand eligibility for unemployment insurance benefits for individuals who cannot work due to the coronavirus;
- Benefits paid are the lesser of 2/3 an individual's average weekly earnings or \$1,000;
- Affected workers can receive unemployment insurance benefits for up to 14 weeks;
- Waiving waiting periods for unemployment insurance benefits;
- Retroactively applying eligibility for these benefits to March 1, 2020;
- Affected workers will not have to search for work to receive benefits;
- The Bureau of Labor Statistics will not include affected workers obtaining benefits from counting towards the national unemployment rate;
- Requiring the federal government to reimburse states for the full costs of expanding the eligibility that is above and beyond each state's current unemployment insurance law;
- Requiring the federal government to reimburse employers who employ fewer than 500 employees and who voluntarily provide paid leave to employees who cannot work due to coronavirus in an amount equal to the unemployment benefits described above; and
- Ending the Temporary Emergency Federal Unemployment Insurance Program and the reimbursement for voluntary paid sick and family leave either when the president ends the coronavirus emergency declaration or on December 31, 2020.

Purpose: To strike Federally mandated sick pay and paid family leave and replace it with financial support provided through State administered unemployment insurance systems and funds.

H. R. 6201

Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS INTENDED TO BE PROPOSED BY MR. JOHNSON (for himself, Mr. TOOMEY, Mr. BRAUN, Mr. SCOTT of Florida, and Mr. LEE)

Viz:

Strike divisions C, E, and G.

At the end of division D, add the following:

SEC. __. SENSE OF CONGRESS.

It is the sense of Congress that—

- (1) it is the intention of Congress and the administration to provide immediate financial support to workers who will be idled and lose pay and benefits because of COVID-19;
- (2) Federally mandated sick pay and paid family leave will prompt some employers who cannot afford this mandate to preemptively terminate the employment of workers they no longer have work for due to circumstances surrounding COVID-19;
- (3) even without that negative incentive, the COVID-19 will cause many Americans to lose their jobs, and not be eligible for Federally mandated sick pay or family and medical leave, so the only income support will be unemployment insurance; and
- (4) it would be more efficient to administer this Federal financial support for workers using only one, rather than two or more programs.

SEC. __. TEMPORARY EMERGENCY FEDERAL CORONAVIRUS UNEMPLOYMENT INSURANCE BENEFIT PROGRAM.

(a) In General.—In order to receive the credit against the Federal Unemployment Tax Act (26 U.S.C. 23), States shall provide temporary emergency Federal coronavirus unemployment

insurance benefits to any individual who has worked for pay at any time in the last 30 days and who for any calendar day is not able to engage in employment due to any of the following reasons:

(1) The individual is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

(2) The individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

(3) The individual is experiencing symptoms of COVID-19 and seeking medical diagnosis;

(4) The individual is caring for an individual who is subject to an order as described in paragraph (1) or has been advised as described in paragraph (2);

(5) The individual is caring for a son or daughter under the age of 18 years of such individual if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

(6) The individual is subject to a temporary lay-off under section 604.5(a)(3) of title 20, Code of Federal Regulations, due to COVID-19.

(b) **Waiting Period.**—States shall not require any waiting period in order to receive benefits for those individuals described in subsection (a).

(c) **Benefits.**—

(1) **IN GENERAL.**—States shall pay benefits to those individuals described in subsection (a) on a weekly basis for each calendar day an individual is not able to engage in employment for up to 14 weeks.

(2) **CALCULATION.**—

(A) **AMOUNT.**—The weekly benefit shall be the lesser of—

(i) two-thirds of the individual's average weekly earnings; or

(ii) \$1,000.

(B) **DETERMINATIONS.**—The amount of an individual's average weekly earnings shall be determined by the State.

(d) **Retroactive Application.**—States shall make temporary emergency Federal coronavirus unemployment insurance benefits under this section retroactively available to March 1, 2020.

(e) **Work Requirements.**—Individuals receiving temporary emergency Federal coronavirus unemployment insurance benefits under this section shall not be required to search for work.

(f) **Federal Reimbursements.**—The Federal government shall—

(1) reimburse States for the full cost of complying with the requirements under this section that are above and beyond the benefits currently provided under each State's current unemployment insurance law for benefits paid under this program; and

(2) reimburse any employer who employs fewer than 500 employees and who voluntarily provides paid leave to an employee for the reasons described in subsection (a) an amount

equal to two-thirds of the actual payment made up to \$1,000 per week and not to exceed \$10,000 per employee.

(g) National Unemployment Rate.—For purposes of calculating the National unemployment rate, the Bureau of Labor Statistics of the Department of Labor shall not include workers obtaining temporary emergency Federal coronavirus unemployment insurance benefits.

(h) Regulatory Authorities.—

(1) LABOR.—The Secretary of Labor (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section.

(2) TREASURY.—The Secretary of Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purpose of this section.

(i) Sunset.—The temporary emergency Federal coronavirus unemployment insurance benefit program under this section shall expire on the earlier of the date of the termination of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) or December 31, 2020.