

**AMENDMENT TO H.R. 1163, AS REPORTED
OFFERED BY MR. ESPAILLAT OF NEW YORK**

In section 2(a)(2), strike “(f)(3)” each place it appears and insert “(f)”.

In section 2(a)(2), redesignate subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively, and insert the following:

1 (A) in subparagraph (2), by striking “In”
2 and inserting “Subject to paragraph (3), in”;

3 (B) by redesignating paragraphs (3) and
4 (4) as paragraphs (4) and (5), respectively;

5 (C) by inserting the following:

6 “(3) WAIVER FOR FOOD AND GROCERY WORK-
7 ERS.—(A) In the case of individuals who have re-
8 ceived amounts of Federal Pandemic Unemployment
9 Compensation or Mixed Earner Unemployment
10 Compensation under this section to which they were
11 not entitled, the State may not require such individ-
12 uals to repay the amounts of such pandemic unem-
13 ployment assistance to the State agency if—

14 “(i) the State agency determines that
15 the payment of such Federal Pandemic

1 Unemployment Compensation or Mixed
2 Earner Unemployment Compensation was
3 without fault on the part of any such indi-
4 vidual, and

5 “(ii) such individual was a food or
6 grocery worker in 2020 or 2021.

7 “(B) For the purposes of this paragraph—

8 “(i) The term ‘food worker’ means any in-
9 dividual working with unpackaged food, food
10 equipment or utensils, or food-contact surfaces,
11 who performs a variety of work involved in the
12 preparation, serving, storage, delivery of food,
13 and other individuals as determined appropriate
14 by the Secretary; and

15 “(ii) the term ‘grocery worker’ means any
16 employee who maintains the stock, cleanliness,
17 and operations for a grocery store to ensure
18 shoppers find the products they are looking for,
19 completes points of sale, and delivers excellent
20 customer service, and other individuals as de-
21 termined appropriate by the Secretary.”;

In section 2(a)(2)(D), as redesignated, strike “sub-
paragraph (A)” and insert “paragraph (4)(A), as redesi-
gnated by subparagraph (B) of this paragraph,”.

In section 2(a)(2)(E), as redesignated, by inserting “after paragraph (4)(B), as redesignated by subparagraph (B) of this paragraph,” after “at the end”.

In section 2(a)(3), strike “(e)(3)” each place it appears and insert “(e)”.

In section 2(a)(3), redesignate subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively, and insert the following:

1 (A) in subparagraph (2), by striking “In”
2 and inserting “Subject to paragraph (3), in”;

3 (B) by redesignating paragraphs (3) and
4 (4) as paragraphs (4) and (5), respectively;

5 (C) by inserting the following:

6 “(3) WAIVER FOR FOOD AND GROCERY WORK-
7 ERS.—In the case of individuals who have received
8 amounts of Federal Pandemic Unemployment Com-
9 pensation or Mixed Earner Unemployment Com-
10 pensation under this section to which they were not
11 entitled, the State may not require such individuals
12 to repay the amounts of such pandemic unemploy-
13 ment assistance to the State agency if—

14 “(A) the State agency determines that the
15 payment of such Federal Pandemic Unemploy-
16 ment Compensation or Mixed Earner Unem-

1 ployment Compensation was without fault on
2 the part of any such individual, and

3 “(B) such individual was a food worker or
4 grocery worker (as such terms are defined in
5 section 2104(f)(3)) in 2020 or 2021.”;

 In section 2(a)(3)(D), as redesignated, strike “sub-
paragraph (A)” and insert “paragraph (4)(A), as redesign-
ated by subparagraph (B) of this paragraph,”.

 In section 2(a)(3)(E), as redesignated, by inserting
“after paragraph (4)(B), as redesignated by subpara-
graph (B) of this paragraph,” after “at the end”.

 At the end of section 2(a) add the following:

6 (6) WAIVER FOR FOOD AND GROCERY WORK-
7 ERS.—

8 (A) IN GENERAL.—In the case of individ-
9 uals who have received applicable Federal un-
10 employment payments to which they were not
11 entitled, the State may not require such individ-
12 uals to repay such amounts to the State agency
13 if—

14 (i) the State agency determines that
15 the payment of such amounts was without
16 fault on the part of any such individual,
17 and

1 (ii) such individual was a food worker
2 or grocery worker (as such terms are de-
3 fined in section 2104(f)(3)) in 2020 or
4 2021.

5 (B) APPLICABLE FEDERAL UNEMPLOY-
6 MENT PAYMENTS.—In this paragraph, the term
7 “applicable Federal unemployment payments”
8 means—

9 (i) amounts of sharable extended com-
10 pensation and sharable regular compensa-
11 tion from a State to which paragraph (4)
12 applies for weeks of unemployment de-
13 scribed in such paragraph; and

14 (ii) amounts of regular compensation
15 from a State described in paragraph (5)
16 for the first week of regular unemployment
17 for which the State received full Federal
18 funding under the agreement described in
19 such paragraph.

