

This amendment would require states to waive overpayments of pandemic unemployment benefits that were made to individuals who were receiving Medicaid and who were without fault in the UI overpayment.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1163
OFFERED BY M . _____**

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

In section 3(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 MEDICAID BENEFICIARIES.—

7 In the case of individuals who have received amounts
8 of Federal Pandemic Unemployment Compensation
9 or Mixed Earner Unemployment Compensation
10 under this section to which they were not entitled,
11 the State may not require such individuals to repay
12 the amounts of such pandemic unemployment assist-
13 ance to the State agency if—

1 “(A) the State agency determines that the
2 payment of such Federal Pandemic Unemploy-
3 ment Compensation or Mixed Earner Unem-
4 ployment Compensation was without fault on
5 the part of any such individual, and

6 “(B) such individual is a worker who is en-
7 titled to, and enrolled in, benefits under title
8 XIX of the Social Security Act.”;

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

In section 3(a)(3), strike “(e)(3)” each place it ap-
pears and insert “(e)”.

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

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

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

13 (C) by inserting the following:

1 “(3) WAIVER FOR MEDICAID BENEFICIARIES.—
2 In the case of individuals who have received amounts
3 of Federal Pandemic Unemployment Compensation
4 or Mixed Earner Unemployment Compensation
5 under this section to which they were not entitled,
6 the State may not require such individuals to repay
7 the amounts of such pandemic unemployment assist-
8 ance to the State agency if—

9 “(A) the State agency determines that the
10 payment of such Federal Pandemic Unemploy-
11 ment Compensation or Mixed Earner Unem-
12 ployment Compensation was without fault on
13 the part of any such individual, and

14 “(B) such individual is a worker who is en-
15 titled to, and enrolled in, benefits under title
16 XIX of the Social Security Act.”;

 In section 3(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 3(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 3(a) add the following:

17 (6) WAIVER FOR MEDICAID BENEFICIARIES.—

1 (A) IN GENERAL.—In the case of individ-
2 uals who have received applicable Federal un-
3 employment payments to which they were not
4 entitled, the State may not require such individ-
5 uals to repay such amounts to the State agency
6 if—

7 (i) the State agency determines that
8 the payment of such amounts was without
9 fault on the part of any such individual,
10 and

11 (ii) such individual is a worker who is
12 entitled to, and enrolled in, benefits under
13 title XIX of the Social Security Act.

14 (B) APPLICABLE FEDERAL UNEMPLOY-
15 MENT PAYMENTS.—In this paragraph, the term
16 “applicable Federal unemployment payments”
17 means—

18 (i) amounts of sharable extended com-
19 pensation and sharable regular compensa-
20 tion from a State to which paragraph (4)
21 applies for weeks of unemployment de-
22 scribed in such paragraph; and

23 (ii) amounts of regular compensation
24 from a State described in paragraph (5)
25 for the first week of regular unemployment

1 for which the State received full Federal
2 funding under the agreement described in
3 such paragraph.

