NELP Model Law: Unemployment Insurance Overpayment Waivers

Revised February, 2022

Introduction

The following model bill would establish a right to a potential waiver of recovery for non-fraud overpayments of unemployment insurance benefits and sets the standards a state must follow in reviewing overpayments for waiver of recovery. The bill sets up a two part standard for waiving recovery of non-fraud overpayments: (1) is the claimant “without fault” for the overpayment and (2) would recovery be “against equity and good conscience”.

The bill contemplates three types of overpayment waivers:

1. *Blanket waivers*, where the state agency waives recovery en mass based on a single set of facts and without an individual review. Blanket waivers are available only for federal pandemic benefits and only for specific scenarios authorized by the U.S. agency Of Labor (U.S. DOL). “Federal pandemic benefits” includes, Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), Mixed Earners Unemployment Compensation (MEUC), and the first week of regular state unemployment insurance that were reimbursable through the CARES Act. See Section 8.
2. *Individual review waivers without an application by the claimant*, where an individual review is required but the state agency has all the information in their possession to waive recovery under the standards. See Section 3.
3. *Individual review waivers based on claimant application*, where the claimant applies for the waiver and provides additional information to demonstrate their eligibility for a waiver. See Section 3.

The intent of the bill is for the state agency to waive recovery whenever possible without requiring the claimant to submit an application or onerous personal information and documents to prove their right to a waiver.

The focus of the model law is to create a permanent overpayment waiver provision for regular state unemployment insurance; however, it is written in such a way as to create state standards for waiver of federal pandemic benefits as well. Congress allowed states to waive recovery of certain federal pandemic benefit overpayments[[1]](#footnote-0) in the Continuing Assistance Act of 2020. In Unemployment Insurance Program Letters (UIPL) No. 20-21 and No. 20-21, Change 1, the United States Department of Labor (USDOL) defined standards for implementing those federal benefit overpayment waivers. However, USDOL also gave states the option to apply their own state law waiver standards to the waiver of federal benefit overpayments. Because of the limitations in the federal waiver standards, we recommend adopting and using these model standards in place of those contained in [UIPL 20-21](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6830) and [20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf).

Further, this model law is written as a legislative bill. However, if your state already has an overpayment waiver law, or you just need to adopt waiver standards for federal pandemic benefits, you may be able to move parts of this bill through the state administrative process.

This model law is a companion piece to NELP’s [“Understanding and Improving Overpayment Waivers for Federal and State Unemployment Insurance Benefits”](https://www.nelp.org/publication/understanding-and-improving-overpayment-waivers-for-federal-and-state-unemployment-insurance-benefits/) Fact Sheet. The Fact Sheet also contains a link to download a template letter to send to your state Governor and agency head asking them to fully implement the federal guidance around overpayment waiver for federal pandemic benefits as soon as possible. The purpose of these materials are to help worker advocates implement an effective unemployment insurance overpayment waiver program in their state.

Embedded in the model law are annotations that are highlighted and should be removed before submission to the legislature.

References

[**UIPL 23-80**](https://oui.doleta.gov/dmstree/uipl/uipl80/uipl_2380.htm) (March 1980) Implementation of Waiver of Overpayment Provisions in State UC Laws

Note from USDOL: *We note that the link to this document shows an expiration date of February 28, 1981. However, per* [*Training and Employment Notice No. 15-20*](https://wdr.doleta.gov/directives/attach/TEN/TEN_15-20_Attachment_4.pdf)*, issued January 14, 2021, this remains an active UIPL.*

[**UIPL 01-16**](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_01-16_Acc.pdf) (October 2015) Requirements to Protect Individual Rights in State UC Overpayment Prevention and Recovery Procedures

[**UIPL 20-21**](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6830)(May 2021)

[Summary, Background and Guidance](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_acc.pdf) - on pandemic benefit overpayments and waivers (pdf)

Att. I: [Quick Reference - Overpayment Recovery across Programs](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Attachment_1.pdf) (pdf)

[**UIPL 20-21, Change 1**](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8527) (February 2022)

[Summary, Background and Guidance](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) - Additional instruction on pandemic benefit waivers (pdf)

Att. I: [Evaluation of Eligibility for Approved Blanket Waiver Scenarios](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_Attachment_I.pdf) (pdf)

Att. II: [Requesting Additional Blanket Waiver Circumstances under the CARES Act UC Programs](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_Attachment_II.pdf) (pdf)

Att. III: [Sample Communication to Claimants for Approved Blanket Waiver Circumstances](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_Attachment_III.pdf) (pdf)

Att. IV: [Sample Language for State Websites](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_Attachment_IV.pdf) (pdf)

**Federal Pandemic Benefits Waiver Authority**

[15 USC 9021](https://www.law.cornell.edu/uscode/text/15/9021) - Pandemic Unemployment Assistance (PUA)

[15 USC 9023](https://www.law.cornell.edu/uscode/text/15/9023) - Federal Pandemic Unemployment Compensation (FPUC) and Mixed Earner Unemployment Compensation (MEUC)

[15 USC 9024](https://www.law.cornell.edu/uscode/text/15/9024) - Federal funding for 1st full week of regular state UC

[15 USC 9025](https://www.law.cornell.edu/uscode/text/15/9025) - Pandemic Emergency Unemployment Compensation (PEUC)

[UIPL 20-21, Att. I](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Attachment_1.pdf) - Extended Benefits (EB) follow state law

Model Unemployment Insurance Overpayment Waiver Law

A Bill to Be Entitled “Unemployment Insurance Overpayment Relief Act”

WHEREAS, most Unemployment Insurance overpayments are the result of circumstances beyond a claimant’s control or innocent mistakes or delays on the part of the claimant and/or their employers and/or the state agency charged with administering the program.

WHEREAS, the Covid-19 pandemic brought to light the need to waive recovery of non-fraud overpayments where circumstances make it very challenging for all parties to avoid mistakes and delays in providing information, processing claims or making eligibility determinations for a very complex social insurance program.

[Note: See [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) at pp. 4-5, for USDOL detailing “fast changing circumstances” causing a “significant number of state errors and inaccuracies”.]

WHEREAS, seeking recovery of unemployment insurance overpayments from innocent individuals who did not commit fraud, especially in light of the economic effects of the pandemic, creates an extraordinary hardship on working families.

[Note: See [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) at p. 17]

WHEREAS, recovery of innocent overpayments puts an undue burden on the resources of the state agency charged with administering the Unemployment Insurance program. Those resources are better used processing claims and providing benefits to unemployed workers in this state.

WHEREAS, recovery of innocent overpayments works against the legislature's stated purpose of unemployment insurance to [insert language from the purpose section of state unemployment insurance statute].

[Note: Here are excerpts from one state’s purpose language:

“Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state.”

“Involuntary unemployment is a subject of general interest and concern which requires action by the legislature to prevent its spread and to lighten its burden which so often falls with crushing force upon the unemployed worker and his or her family, to the detriment of the welfare of the people of this state. Social security requires protection against this hazard of our economic life.”]

WHEREAS, the United States Department of Labor encourages states to waive non-fraud overpayments where recovery would be against equity and good conscience.

[Note: See [UIPL 23-80](https://oui.doleta.gov/dmstree/uipl/uipl80/uipl_2380.htm) for regular state benefit overpayments and [UIPL 20-21, Change 1 at p. 6](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8527) for federal pandemic benefits.]

BE IT ENACTED by the [Legislature of the State of X],

**Section 1. Waiver of Repayment**

(a) Notwithstanding section *[insert cite to section(s) of state UC statute that provide for collection of overpayments]* or any other general or special law to the contrary, the agency shall waive recovery of any non-fraud, as defined in section [insert reference to state UC fraud definition] overpayments if the claimant is without fault as defined in this Act and recovery of the overpayment is against equity and good conscience as defined in this Act.

[Note: With regard to the “without fault” requirement. USDOL has made it clear for both state and federal UC benefits that fraud-based overpayments cannot be waived. In addition, Continued Assistance to Unemployed Workers Act ([the CAA](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Change_4_Attachment_4_acc.pdf)) authorizes waiver of federal pandemic benefits if they are “without fault” and recovery would be “against equity and good conscience”. However, there are no comparable “without fault” requirements in federal law for waiver of state benefit overpayments. A number of states have adopted a “without fault” requirement in their state waiver standard but some have not. This model law attempts to define “without fault” in a way that reflects the remedial purposes of Unemployment Insurance. However, if your state does not already have a “without fault” requirement in its state standards you should seriously consider removing it from this section. It will be necessary in Section 8 below that deals with the waiver of the federal pandemic benefits, but there is no reason to add an additional potential barrier to waiver that doesn’t already exist.

Note2: We use the proscriptive “shall” throughout the bill rather than “may”. Experience tells us that a discretionary standard makes it harder for workers to challenge denials as it typically limits review to abuse of discretion standard that is deferential to the agency.]

(b) It shall be against “Equity and Good Conscience” to recover an overpayment when:

[Note: Items (1) - (4) here will require the claimant to submit an application for waiver but with items (5) - (8) the agency should grant a waiver without a claimant application]

(1) the claimant or a member of the claimant’s household is receiving or has received public assistance benefits at any time during the year prior to their waiver application or notice of overpayment. “Public assistance benefits” includes, but is not limited to:

(A) Supplemental Nutrition Assistance Program (SNAP);

(B) Temporary Assistance to Needy Families (TANF);

(C) Federal Supplemental Security Income (SSI);

(D) Federal Social Security Disability Benefits (SSD);

(E) Means tested Legal Aid services; or

(F) Low Income Home Energy Assistance Program (LIHEAP);

(G) Federal or state Earned Income Tax Credit;

(H) Free or Reduced-Price School Lunch;

(I) Public or Subsidized Housing or Voucher;

(J) Medicaid;

(K) Medicare;

(L) Any other means tested public assistance program.

[Note: this is not an exhaustive list. Please add additional programs relevant to claimants in your state.]

(2) [option 1] The claimant's household income, exclusive of public assistance benefits, was, during the three (3) months immediately preceding the date of the application for waiver, at or below thirteen (13) times the state average weekly wage in the claimant’s base period;

[option 2] The claimant's household income, exclusive of public assistance benefits, was, during the three (3) months immediately preceding the date of the application for waiver, at or below four (4) times the annual update of the poverty guidelines most recently published in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. ⸹ 9902(2);

 [Note: We provide two options to test financial hardship based on income alone. One based on the state average weekly wage and one based on the federal poverty level. You should use the one that will capture the most workers and is politically feasible. You can find the most recent federal poverty guidelines [here](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines).]

Note2: the average weekly wage is reported to the federal Bureau of Labor Statistics here: <https://www.bls.gov/charts/county-employment-and-wages/percent-change-aww-by-state.htm>

Note3: Using PA as an example:

* state average weekly wage in 2020 = $1,187.66 x 13 (weeks) = $15,439.58 is income threshold for the 3 month test window;
* 2020 Poverty Level for HH of 4 = $26,200 \* 4 = $104,000 \* .25 = $26,200 is income threshold for the 3 month test window]

(3) a review of claimant’s income and expenses in the three (3) months prior to the application demonstrates that the claimant needs much of their current income to meet ordinary and necessary living expenses and liabilities. “Ordinary and necessary living expenses and liabilities” include but are not limited to: housing costs, food costs, school loans, child care, outstanding loan and credit card balances, transportation and medical expenses;

[Note: This is taken from the federal standard in [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) at pp10-11

Note2: This can serve as a broader financial hardship failsafe test but be aware of a couple of pitfalls: an overly aggressive agency can use a request to the claimant to attest to their income as a fraud “trap”. Because the agency already has wage information in their possession for the claimant and if the claimant states a number different than in the agency records they may charge the claimant with fraud. Another pitfall here is that some agencies could make onerous documentation requirements for claimants to verify income and expenses. One example of this was the requirement that the waiver application form be notarized. We’ve tried to address these potential pitfalls but they are worth noting.]

(4) Due to the notice that such benefit payment would be made or because of the incorrect payment, the claimant either relinquished a valuable right or changed positions for the worse. This includes but is not limited to circumstances where:

(A) The claimant incurred a financial obligation, such as a lease, based on benefit payments that they received. The individual is now in a worse financial position than if they had not received the benefits.

(B) The claimant relied on the benefit payment and took out a loan, in which they have already invested the benefit payment they received. Repayment of their overpayment may cause them to default on the loan, resulting in criminal or civil actions.

(C) The claimant passed up other financial assistance because they received unemployment benefit payments and thought they would not need additional financial assistance from other sources.

[Note: This is taken from the federal standard in [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) at pp. 10-11]

(5) the overpayment is due at least in part to agency programming, technological or automated system errors or where the claimant relied upon the agency’s publicized information or guidance and that information or guidance was later determined to be erroneous;

(6) the agency failed to determine a non-monetary issue within 21 days of the agency having possession of the facts necessary to determine the issue and their untimely action at least in part caused an overpayment;

(7) recovery of the benefits would fail to further the remedial purpose of the Act to [insert language from the “purpose” section of state UC law]; or

[Note: Here are excerpts from one state’s “purpose” language:

“Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state.”

“Involuntary unemployment is a subject of general interest and concern which requires action by the legislature to prevent its spread and to lighten its burden which so often falls with crushing force upon the unemployed worker and his or her family, to the detriment of the welfare of the people of this state. Social security requires protection against this hazard of our economic life.”]

(8) it would be unconscionable for any other reason to recover the overpayment.

[Note: The above language is taken from the federal standard in [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) at pp. 10-11]

(c) The overpayment shall be “without fault” on the part of the claimant where the claimant made a good faith effort to provide the information requested but due in part to either claimant, employer or agency confusion, misunderstanding, delay or error, an improper payment was issued. This includes, but is not limited to, where:

(1) the claimant provided all information correctly as requested, but the agency failed to

take appropriate action with that information or took delayed action when determining or redetermining eligibility;

(2) the claimant provided incorrect information due to conflicting, changing, or confusing

information or instructions from the state agency;

(3) the claimant was unable to reach the agency despite their best efforts to inquire or clarify what information the claimant needed to provide, or experienced other similar barriers, including it was the claimant’s first time applying for or receiving unemployment insurance, or they experienced language, education, or literacy barriers;

(4) the employer provided incorrect or untimely information or did not timely report facts; or

(6) the agency required the claimant to recertify for a week and the recertification resulted in an overpayment.

(d) To establish that the claimant was without fault or that recovery would be against equity and good conscience, the agency shall rely on the information already in their possession when applicable and accept all reasonable forms of proof, including, but not limited to copies of relevant bills, receipts, award letters, and bank statements. When documentation cannot be provided, the agency shall accept a written statement signed by the claimant attesting to the facts at issue as sufficient proof. The agency shall not require unduly burdensome proof from the claimant.

**Section 2. Notice Requirements**

(a) The agency shall provide notice of the availability of the overpayment waiver process pursuant to state and federal law, including Unemployment Insurance Program Letters No. 01-16 and No. 20-21, Change 1, and any amendments or changes thereto. Notice of the availability of the waiver process and instructions for accessing and completing a waiver application shall be provided on all notices of overpayments and correspondence from the agency to a claimant regarding overpayments. The notice must advise the claimant that they have the right to both contest the overpayment and apply for a waiver at the same time. The notice shall clearly state that if the claimant does not appeal the determination within [insert appeal deadline from state UC statute] or apply for waiver that the agency may commence recovery of the overpayment.

(b) The notice shall also inform claimants of their right to enter into a repayment plan if their waiver application is denied as set forth in Section 4(c).

[Note: you may want to add requirements specific to your state on how they already provide notice to this section.]

(b) All notices required under this Act shall be in plain language and provided to claimants in their preferred language and preferred method of communication. Notices that do not comply with these requirements will be treated the same as if no notice was provided.

[Note: Without notice the appeal periods do not start to run.]

**Section 3. Agency Review**

The agency shall review all overpayment determinations for waiver eligibility as follows:

(a) At the time an overpayment is established the agency shall conduct an individual review of whether the overpayment is eligible for waiver and grant the waiver if it has sufficient information in its possession to make a determination. If the overpayment does not meet the requirements for a waiver based on the information in their possession at the time, the agency shall notify the claimant of that assessment and advise them of their right to request a waiver. The agency shall conduct the same individual review of all overpayments established since January 15, 2020, and not waived or reviewed at the time the overpayment was established.

(b) The agency shall review all waiver applications submitted by claimants and shall grant waivers of overpayments in accordance with this Act, making all reasonable efforts to review waiver applications within 90 days of the effective date of this Act. Any funds recouped or repaid prior to the granting of a waiver shall be returned to the claimant within 30 days of the waiver being granted. The agency shall not consider a new application for a waiver from a claimant within three (3) months after receiving an application for a waiver of the same overpayment from the claimant.

[Note: This 3 month limitation on new waiver applications is added to address concerns from state agencies that a claimant may try to ward off overpayment collection with continuous waiver applications.]

(c) The agency shall notify the claimant of waiver eligibility determinations in accordance with the notice provisions of the state and federal law and the requirements of this Act.

**Section 4. Recovery and Refunds**

(a) The agency shall not attempt to recover an overpayment while there is a pending appeal on the overpayment determination and shall only proceed when there is a final determination that the debt is in fact owed and all appeals are exhausted. The agency shall not attempt to recover an overpayment when there is a pending waiver application and until there is a final determination that claimant is not eligible for a waiver and all appeals are exhausted.

(b) For all overpayments that are not overturned or waived, the agency shall provide, and a claimant may elect, the option of entering into a repayment plan to satisfy the overpayment in lieu of garnishment. The repayment shall consist of reasonable weekly, bi-weekly, or monthly payments that allow the claimant to repay the agency the amount owed and still afford ordinary and necessary living expenses and liabilities. “Ordinary and necessary living expenses and liabilities” include but are not limited to, housing costs, food costs, school loans, child care, outstanding loan and credit card balances, transportation and medical expenses. If a claimant has a change in life circumstances affecting their ability to comply with the repayment plan, the agency shall allow them to adjust the repayment plan as needed.

**Section 5. Finality**

The agency shall ensure that no non-fraud overpayments are or have been established based on a redetermination more than [insert number based on state UC finality law] year after the first date for which benefits are paid on the unemployment insurance claim at issue as prohibited under section *[cite finality section of state UC law]*.

[Note: State UC law typically has a provision that limits the time a party (claimant, employer or agency) has to reopen a favorable determination and reverse and assess an overpayment. For example in Michigan it is 1 year to reopen a non-fraud determination and 3 years with fraud.]

**Section 6. Agency Assistance**

(a) The agency shall provide claimants with assistance, via telephone, in person, or other means as necessary, during the waiver application and determination process. This includes providing assistance to claimants who are limited English proficient or who lack familiarity with or access to technology or other resources needed to complete the waiver request or provide supporting documentation.

(b) For circumstances that require additional information to grant a waiver the agency shall provide an easily accessible online form to apply for a waiver and notify overpaid claimants of the availability of the form as described in Section 2.

**Section 7. Reporting and Transparency**

The agency shall report, publicly on its website on quarterly basis, activity under this Act in a form that does not identify an claimant or employer including:

(a) the number of overpayment notifications it sent to claimants;

(b) the number of waiver requests received and the number of claimants who requested a waiver;

(c) the number of waivers granted,

(d) the number of waivers denied and, if denied, the reasons for denial;

(e) When reporting information in this subsection it shall be tabulated by age, race, sex and type of benefit (i.e. state UC, PUA, PEUC, FPUC, etc.) and type of waiver (i.e. whether Blanket (sec. 8), claimant Review Waivers Without an Application (sec. 3) or claimant Review Waivers With an Application (sec. 3).

**Section 8. Federal Pandemic Unemployment Benefit Waivers**

[Note: The CAA allows states to waive non-fraud Federal Pandemic benefit overpayments that are “without fault” of the claimant and when recovery would be “against equity and good conscience”. To date USDOL issued two UIPLs further defining the standards of these waivers. UIPL 20-21 and UIPL 20-21, Change 1. In those UIPLs states are given the option of either their own state law standards or using those set out by USDOL. There are limitations to the Federal standards and we encourage states to adopt the standards contained in model law in their state.]

(a) Consistent with this Act and to the greatest extent allowed by Federal law the State shall waive recovery of any non-fraud overpayments of Federal Pandemic Unemployment Benefits if the claimant is without fault as defined in this Act and recovery of the overpayment is against equity and good conscience as defined in this Act.

[Note: See [UIPLs 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf) - USDOL defines “without fault” and “against equity and good conscience” BUT allows states to use their own definitions if they have them in state law. Due to limitations in the federal definitions we recommend adopting your own state definitions as contained in this Bill.

Note2: We use the proscriptive “shall” throughout the bill rather than “may”. Experience tells us that a discretionary standard makes it harder for workers to challenge denials as it typically limits review to abuse of discretion standard that is deferential to the Dept.]

“Federal Pandemic Unemployment Benefits” shall include any program provided for by *Title II of the federal CARES Act*, the *Federal Continued Assistance for Unemployed Workers Act of 2020* within the *Consolidated Appropriations Act, 2021* or *Title IX of the Federal American Rescue Plan Act of 2021*, including but not limited to *Pandemic Unemployment Assistance*, *Pandemic Emergency Unemployment Compensation*, *Federal Extended Benefits*, *Federal Pandemic Unemployment Compensation*, *Mixed Earner Unemployment Compensation*, and the first week of regular state Unemployment Compensation.

(b) Blanket Waivers

(1) The agency shall grant blanket waivers of Federal Pandemic Unemployment Benefit overpayments in all circumstances allowed by federal law including as set forth in Unemployment Insurance Program Letters 20-21 and 20-21, Change 1, and any amendments or changes thereto. In these circumstances the agency shall process the waiver of recovery for multiple overpayments simultaneously based on a single set of facts.

[Note: See [UIPLs 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf)]

(2) The agency shall seek approval for additional blanket waivers from the federal government when it becomes aware of a single set of non-fraud overpayment circumstances that will impact multiple claimants and it would be against equity and good conscience to recover the overpayment in that circumstance.

[Note: See [UIPLs 20-21, Change 1](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf)]

1. Waiver language for PUA was added in the Continued Assistance Act and is found under Section 2102(d)(4) of the

CARES Act as amended. Waiver language for FPUC and MEUC is found under Section 2104(f)(2) of the CARES

Act, as amended. Waiver language for PEUC is found under Section 2107(e)(2) of the CARES Act. [↑](#footnote-ref-0)