

Congress of the United States

Washington, DC 20515

April 2, 2020

The Honorable Eugene Scalia
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Secretary Scalia,

We urge you to issue guidance clarifying that the Pandemic Unemployment Assistance program enacted by the CARES Act covers Peace Corps, AmeriCorps, and other national service participants. Such guidance would reflect our understanding of the law.

Peace Corps and AmeriCorps participants advance our nation's interests at home and around the world by providing education, health, and economic development opportunities to the communities they serve. Due to the spread of COVID-19, the Peace Corps has suspended international operations, ending the service of more than 7,300 participants. While Peace Corps and AmeriCorps participants receive a stipend for their service, they are not eligible for regular unemployment insurance (UI).

Pandemic Unemployment Assistance provides benefits to workers who are not covered by the regular UI system and lose their job for reasons related to COVID-19. The place of employment for Peace Corps participants closed as a direct result of the COVID-19 public health emergency when Peace Corps suspended all operations worldwide, which is one of the specified eligibility criteria for Pandemic Unemployment Assistance.¹ Other national service participants, including AmeriCorps members, whose service is terminated as a result of COVID-19 should also be eligible. Guidance on this issue would provide necessary clarification for affected participants and important determinations on related issues, such as how Peace Corps readjustment and evacuation allowances affect Pandemic Unemployment Assistance benefits.

The Department of Labor has previously determined that Peace Corps and AmeriCorps service does not constitute an employer-employee relationship for the purposes of regular UI, but that should not exclude these participants from Pandemic Unemployment Assistance. Independent contractors and gig economy workers also do not have an employer-employee relationship for regular UI, and the purpose of Pandemic Unemployment Assistance is to extend coverage to these workers and others in a broader range of work situations not covered by regular UI.

We believe the terms of Pandemic Unemployment Assistance cover Peace Corps and AmeriCorps participants. If you believe there is ambiguity, however, we urge you to use the

¹ CARES Act, Sec. 2102(a)(3)(A)(ii)(I)(jj)

authority that Congress provided in the CARES Act to add additional eligibility criteria to extend Pandemic Unemployment Assistance coverage to participants in these programs.²

Thank you for your consideration, and we hope you will provide much needed certainty in this matter as soon as possible.

Sincerely,

/s/ Chris Van Hollen
United States Senator

/s/ Ron Wyden
United States Senator

/s/ Susan M. Collins
United States Senator

/s/ Robert P. Casey, Jr.
United States Senator

/s/ Tom Udall
United States Senator

/s/ Margaret Wood Hassan
United States Senator

/s/ Tim Kaine
United States Senator

/s/ Richard J. Durbin
United States Senator

/s/ Tammy Baldwin
United States Senator

/s/ Patrick Leahy
United States Senator

/s/ Tina Smith
United States Senator

/s/ Jeanne Shaheen
United States Senator

² CARES Act, Sec. 2102(a)(3)(A)(ii)(I)(kk)

/s/ Christopher S. Murphy
United States Senator

/s/ Tammy Duckworth
United States Senator

/s/ Edward J. Markey
United States Senator

/s/ Michael F. Bennet
United States Senator

/s/ Richard Blumenthal
United States Senator

/s/ Elizabeth Warren
United States Senator

/s/ Jeffrey A. Merkley
United States Senator

/s/ Sherrod Brown
United States Senator

/s/ Amy Klobuchar
United States Senator

/s/ Dean Phillips
Member of Congress

/s/ David Trone
Member of Congress

/s/ Gregorio Kilili Camacho Sablan
Member of Congress

/s/ Vicente Gonzalez
Member of Congress

/s/ Ted Deutch
Member of Congress

/s/ Gerald E. Connolly
Member of Congress

/s/ Angie Craig
Member of Congress

/s/ David E. Price
Member of Congress

/s/ Gregory W. Meeks
Member of Congress

/s/ Jamie Raskin
Member of Congress

/s/ Ami Bera, M.D.
Member of Congress

/s/ Albio Sires
Member of Congress

/s/ Henry C. “Hank” Johnson, Jr.
Member of Congress

/s/ Anthony G. Brown
Member of Congress

/s/ Jim Costa
Member of Congress

/s/ James P. McGovern
Member of Congress

/s/ Joaquin Castro
Member of Congress

/s/ Thomas R. Suozzi
Member of Congress