

116TH CONGRESS  
2D SESSION

# S. 3857

To cap the benefits received under the Federal Pandemic Unemployment Compensation program at prior wages.

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IN THE SENATE OF THE UNITED STATES

JUNE 1, 2020

Mrs. LOEFFLER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To cap the benefits received under the Federal Pandemic Unemployment Compensation program at prior wages.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Helping Americans Re-  
5 turn to Work Act of 2020”.

6 **SEC. 2. CAP ON TEMPORARY INCREASED UNEMPLOYMENT**  
7 **COMPENSATION BENEFITS AT PRIOR WAGES.**

8 (a) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Sec-  
9 tion 2102(d) of the Relief for Workers Affected by  
10 Coronavirus Act (contained in subtitle A of title II of divi-

1 sion A of the CARES Act (Public Law 116–136)) is  
2 amended—

3 (1) in paragraph (1), in the matter preceding  
4 subparagraph (A), by striking “The assistance” and  
5 inserting “Subject to paragraph (4), the assistance”;

6 (2) in paragraph (2), by striking “In the case”  
7 and inserting “Subject to paragraph (4), in the  
8 case”; and

9 (3) by adding at the end the following new  
10 paragraph:

11 “(4) For weeks of unemployment beginning on  
12 or after June 1, 2020, and ending on or before the  
13 date specified in subsection (c)(1)(A)(ii), the total  
14 amount of the weekly assistance applicable to an in-  
15 dividual under paragraph (1) or (2) (including the  
16 increase under section 2104) may not exceed—

17 “(A) in the case of paragraph (1), the  
18 amount of the individual’s average weekly  
19 wages on which the individual’s weekly benefit  
20 is based; and

21 “(B) in the case of paragraph (2), the  
22 amount of the individual’s average weekly  
23 wages for an appropriate period prior to the re-  
24 ceipt of assistance under such section, as deter-  
25 mined by the Secretary of Labor.”.

1 (b) FEDERAL PANDEMIC UNEMPLOYMENT COM-  
2 PENSATION.—Subsection (b) of section 2104 of the Relief  
3 for Workers Affected by Coronavirus Act (contained in  
4 subtitle A of title II of division A of the CARES Act (Pub-  
5 lic Law 116–136)) is amended—

6 (1) in paragraph (1), in the matter preceding  
7 subparagraph (A), by striking “Any agreement” and  
8 inserting “Subject to paragraph (2), any agree-  
9 ment”;

10 (2) by redesignating paragraph (2) as para-  
11 graph (3); and

12 (3) by inserting after paragraph (1) the fol-  
13 lowing new paragraph:

14 “(2) LIMITATION.—For weeks of unemployment  
15 beginning on or after June 1, 2020, and ending on  
16 or before the date specified in subsection (e)(2), the  
17 sum of the weekly amount described in subpara-  
18 graphs (A) (regular compensation) and (B) (Federal  
19 pandemic unemployment compensation) of para-  
20 graph (1) with respect to an individual may not ex-  
21 ceed the amount of the individual’s average weekly  
22 wages on which the amount described in such sub-  
23 paragraph (A) is based.”.

24 (c) PANDEMIC EMERGENCY UNEMPLOYMENT COM-  
25 PENSATION.—Section 2107(b)(3) of the Relief for Work-

1 ers Affected by Coronavirus Act (contained in subtitle A  
2 of title II of division A of the CARES Act (Public Law  
3 116–136)) is amended by adding at the end the following  
4 new sentence: “The limitation under section 2104(b)(2)  
5 shall apply for purposes of determining the weekly benefit  
6 amount under the preceding sentence.”.

7 (d) SHORT-TIME COMPENSATION.—

8 (1) STATES WITH PROGRAMS IN LAW.—Section  
9 2108(a) of the Relief for Workers Affected by  
10 Coronavirus Act (contained in subtitle A of title II  
11 of division A of the CARES Act (Public Law 116–  
12 136)) is amended by adding at the end the following  
13 new paragraph:

14 “(4) TOTAL PAYMENT MAY NOT EXCEED WEEK-  
15 LY WAGES.—

16 “(A) IN GENERAL.—For weeks of unem-  
17 ployment beginning on or after June 1, 2020,  
18 and ending on or before the date specified in  
19 subsection (b)(2), the sum of the amounts de-  
20 scribed in subparagraph (B) with respect to an  
21 individual for a week may not exceed the  
22 amount of the individual’s average weekly  
23 wages on which the amount described in sub-  
24 paragraph (B)(ii) is based.

1           “(B) AMOUNTS.—The amounts described  
2           in this subparagraph are the following with re-  
3           spect to a week:

4                   “(i) The amount of the wages the in-  
5                   dividual receives from the employer for the  
6                   week for the reduced hours under the  
7                   short-time compensation program.

8                   “(ii) The amount of the regular com-  
9                   pensation (including dependents’ allow-  
10                  ances) payable to such individual for the  
11                  week under the short-time compensation  
12                  program.

13                  “(iii) The amount of Federal Pan-  
14                  demic Unemployment Compensation under  
15                  section 2104 payable to such individual for  
16                  the week under the short-time compensa-  
17                  tion program.”.

18           (2) AGREEMENTS.—Section 2109(b)(2) of the  
19           Relief for Workers Affected by Coronavirus Act  
20           (contained in subtitle A of title II of division A of  
21           the CARES Act (Public Law 116–136)) is amended  
22           by adding at the end the following new paragraph:

23                   “(C) TOTAL PAYMENT MAY NOT EXCEED  
24                   WEEKLY WAGES.—

1           “(i) IN GENERAL.—For weeks of un-  
2           employment beginning on or after June 1,  
3           2020, and ending on or before the date  
4           specified in subsection (d)(2), the sum of  
5           the amounts described in clause (ii) with  
6           respect to an individual for a week may  
7           not exceed the amount of the individual’s  
8           average weekly wages on which the amount  
9           described in clause (ii)(II) is based.

10           “(ii) AMOUNTS.—The amounts de-  
11           scribed in this clause are the following with  
12           respect to a week:

13                   “(I) The amount of the wages  
14                   the individual receives from the em-  
15                   ployer for the week for the reduced  
16                   hours under the short-time compensa-  
17                   tion plan under the agreement.

18                   “(II) The amount of the regular  
19                   compensation (including dependents’  
20                   allowances) payable to such individual  
21                   for the week under such short-time  
22                   compensation plan.

23                   “(III) The amount of Federal  
24                   Pandemic Unemployment Compensa-  
25                   tion under section 2104 payable to

- 1 such individual for the week under
- 2 such short-time compensation plan.”.

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