AMENDMENT NO. _______                 Calendar No. _______

Purpose: To provide for an extension of the Federal Pandemic Unemployment Compensation program, and for other purposes.


S. 178

To condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

Referred to the Committee on __________________________ and

ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ROMNEY (for himself, Ms. COLLINS, and Ms. McSALLY) to the amendment (No. 2499) proposed by Mr. McCONNELL

Viz:

1    Strike sections 1 and 2 and insert the following:

2    SECTION 1. SHORT TITLE.

3    This Act may be cited as the “Federal Pandemic Unemployment Compensation Extension Act of 2020”.

4    SEC. 2. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.

5    (a) EXTENSION.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in
subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in paragraph (1)(B), by striking “of $600” and inserting “equal to the amount specified in paragraph (3)”;

(ii) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

“(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.
“(ii) For weeks of unemployment beginning after the last week under clause (i) and ending before August 31, 2020, an amount equal to one of the following, as determined by the State for all individuals:

“(I) $500.

“(II) $400

“(iii) For weeks of unemployment beginning after the last week under clause (ii) and ending on or before September 28, 2020, $400.

“(iv) Subject to subparagraph (B), for weeks of unemployment beginning after the last week under clause (iii) and ending before December 31, 2020, an amount (not to exceed $500) equal to one of the following, as determined by the State for all individuals:

“(I) An amount equal to—

“(aa) 80 percent of the individual’s average weekly wages; minus

“(bb) the individual’s base amount (determined prior to any reductions or offsets).
“(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 80 percent of lost wages.

“(B) WAIVER TO PROVIDE FLAT DOLLAR AMOUNT.—If a State determines that it is unable to calculate amounts under either subclause (I) or (II) of subparagraph (A)(iv), the State may apply to the Secretary for a waiver under which the amount specified under subparagraph (A)(iv) shall be $300 rather than the amount calculated under such subclause (I) or (II).

“(C) BASE AMOUNT.—For purposes of this paragraph, the term ‘base amount’ means, with respect to an individual, an amount equal to—

“(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i)
or (d)(2) of such section 2102, as applicable; or

“(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

“(D) AVERAGE WEEKLY WAGES.—

“(i) In general.—Subject to clause (ii), for purposes of this paragraph, the term ‘average weekly wages’ means, with respect to an individual, the following:

“(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual’s average weekly wages in a base period, an amount equal to the individual’s average weekly wages used in such computation.

“(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to 1/13 of such high quarter wages or average wages of the applicable quar-
ters used in the computation for the individual.

“(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to \( \frac{1}{52} \) of the sum of all base period wages.

“(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.”.
(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by inserting “with respect to the individual” after “section 2104” in each of paragraphs (1)(A)(ii) and (2).
(B) Pandemic emergency unemployment compensation.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after “section 2104”; and

(ii) in subsection (b)(2), by inserting “with respect to the individual” after “section 2104”.

(c) Consistent treatment of earnings and unemployment compensation.—Section 2104(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment Compensation paid to an individual with respect to a week of unemployment ending on or after October 5, 2020.”.

(d) Requirement for return to work notification and reporting.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Pub-
(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

(i) Return to work requirements.

(ii) Rights to refuse to return to work or to refuse suitable work.

(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

(C) Other items determined appropriate by the Secretary of Labor.”
(c) **EFFECTIVE DATE.**—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

**SEC. 3. EMERGENCY DESIGNATION.**

(a) **IN GENERAL.**—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) **DESIGNATION IN SENATE.**—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.