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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY (for herself, Mr. ENGEL, Mrs. CAROLYN B. MALONEY of New
York, Mr. NADLER, Mr. PALLONE, Mr. SCOTT of Virginia, Mr. TAKANO,
Ms. VELÁZQUEZ, and Ms. WATERS) introduced the following bill; which
was referred to the Committee on _____

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2020, and for other purposes.

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

3 SHORT TITLE

4 SECTION 1.

5 This Act may be cited as the “Health and Economic
6 Recovery Omnibus Emergency Solutions Act” or the
7 “HEROES Act”.

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1 **DIVISION A—CORONAVIRUS RECOVERY**
2 **SUPPLEMENTAL APPROPRIATIONS**
3 **ACT, 2020**

4 The following sums are hereby appropriated, out of
5 any money in the Treasury not otherwise appropriated,
6 for the fiscal year ending September 30, 2020, and for
7 other purposes, namely:

8 **TITLE I—AGRICULTURE, RURAL DEVELOP-**
9 **MENT, FOOD AND DRUG ADMINISTRATION,**
10 **AND RELATED AGENCIES**

11 **DEPARTMENT OF AGRICULTURE**

12 **AGRICULTURAL PROGRAMS**

13 **OFFICE OF INSPECTOR GENERAL**

14 For an additional amount for “Office of Inspector
15 General”, \$2,500,000, to remain available until September
16 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided,*
18 That the funding made available under this heading in
19 this Act shall be used for conducting audits and investiga-
20 tions of projects and activities carried out with funds made
21 available to the Department of Agriculture to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided further,* That such amount is des-
24 ignated by the Congress as being for an emergency re-

1 requirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 DOMESTIC FOOD PROGRAMS

4 FOOD AND NUTRITION SERVICE

5 CHILD NUTRITION PROGRAMS

6 For an additional amount for “Child Nutrition Pro-
7 grams”, \$3,000,000,000 to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the amount provided under this heading is for the
11 purposes of carrying out section 180002 of the “Child Nu-
12 trition and Related Programs Recovery Act”: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

18 WOMEN, INFANTS, AND CHILDREN (WIC)

19 For an additional amount for the “Special Supple-
20 mental Nutrition Program for Women, Infants, and Chil-
21 dren”, \$1,100,000,000, to remain available through Sep-
22 tember 30, 2022: *Provided*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for “Supplemental Nutri-
3 tion Assistance Program”, \$10,000,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus: *Provided*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 COMMODITY ASSISTANCE PROGRAM

11 For an additional amount for “Commodity Assistance
12 Program”, \$150,000,000, to remain available through
13 September 30, 2021, for the emergency food assistance
14 program as authorized by section 27(a) of the Food and
15 Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section
16 204(a)(1) of the Emergency Food Assistance Act of 1983
17 (7 U.S.C. 7508(a)(1)): *Provided*, That such amount is
18 designated by the Congress as being for an emergency re-
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 10101. For an additional amount for the Com-
23 monwealth of the Northern Mariana Islands, \$1,822,000,
24 to remain available until September 30, 2021, for nutri-
25 tion assistance to prevent, prepare for, and respond to

1 coronavirus: *Provided*, That such amount is designated by
2 the Congress as being for an emergency requirement pur-
3 suant to section 251(b)(2)(A)(i) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985.

5 SEC. 10102. Under the heading “Commodity Assist-
6 ance Program” in the Coronavirus Aid, Relief, and Eco-
7 nomic Security Act (Public Law 116–136), strike “to pre-
8 vent, prepare for, and respond to coronavirus, domestically
9 or internationally,”: *Provided*, That the amounts
10 repurposed in this section that were previously designated
11 by the Congress as an emergency requirement pursuant
12 to the Balanced Budget and Emergency Deficit Control
13 Act of 1985 are designated by the Congress as an emer-
14 gency requirement pursuant to section 251(b)(2)(A)(i) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985.

17 SEC. 10103. For an additional amount for the pro-
18 gram established under 7 U.S.C. 5936, to prevent, prepare
19 for, and respond to coronavirus, \$20,000,000, to remain
20 available until September 30, 2021: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 TITLE II—COMMERCE, JUSTICE, SCIENCE, AND
2 RELATED AGENCIES
3 DEPARTMENT OF COMMERCE
4 BUREAU OF THE CENSUS
5 CURRENT SURVEYS AND PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Current Surveys and
8 Programs”, \$10,000,000: *Provided*, That such sums may
9 be transferred to the Bureau of the Census Working Cap-
10 ital Fund for necessary expenses incurred as a result of
11 the coronavirus, including for payment of salaries and
12 leave to Bureau of the Census staff resulting from the sus-
13 pension of data collection for reimbursable surveys con-
14 ducted for other Federal agencies: *Provided further*, That
15 such amount is designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PERIODIC CENSUSES AND PROGRAMS

20 For an additional amount for “Periodic Censuses and
21 Programs”, \$400,000,000, to remain available until Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

1 suant to section 251(b)(2)(A)(i) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION

5 ASSISTANCE TO FISHERY PARTICIPANTS

6 Pursuant to section 12005 of the Coronavirus Aid,
7 Relief, and Economic Security Act of 2020 (Public Law
8 116–136), for an additional amount for “Assistance to
9 Fishery Participants”, \$100,000,000, to remain available
10 until September 30, 2021, for necessary expenses to pro-
11 vide assistance to Tribal, subsistence, commercial, and
12 charter fishery participants affected by the novel
13 coronavirus (COVID–19), which may include direct relief
14 payments: *Provided*, That such amount is designated by
15 the Congress as being for an emergency requirement pur-
16 suant to section 251(b)(2)(A)(i) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 DEPARTMENTAL MANAGEMENT

19 OFFICE OF INSPECTOR GENERAL

20 For an additional amount for “Office of Inspector
21 General”, \$1,000,000, to remain available until expended
22 to prevent, prepare for, and respond to coronavirus, in-
23 cluding the impact of coronavirus on the work of the De-
24 partment of Commerce and to carry out investigations and
25 audits related to the funding made available for the De-

1 partment of Commerce in this Act and in title II of divi-
2 sion B of Public Law 116–136: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 ADMINISTRATIVE PROVISION—DEPARTMENT OF
8 COMMERCE

9 SEC. 10201. Notwithstanding any other provision of
10 law, the Federal share for grants provided by the Eco-
11 nomic Development Administration under this Act, Public
12 Law 116–93, Public Law 116–20, and Public Law 116–
13 136 shall be 100 percent: *Provided*, That the amounts
14 repurposed in this section that were previously designated
15 by the Congress as an emergency requirement pursuant
16 to the Balanced Budget and Emergency Deficit Control
17 Act of 1985 are designated by the Congress as an emer-
18 gency requirement pursuant to section 251(b)(2)(A)(i) of
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985.

21 DEPARTMENT OF JUSTICE
22 FEDERAL PRISON SYSTEM
23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$200,000,000, to remain available until Sep-

1 tember 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, including the impact of coronavirus on the
3 work of the Department of Justice, to include funding for
4 medical testing and services, personal protective equip-
5 ment, hygiene supplies and services, and sanitation serv-
6 ices: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 OFFICE OF INSPECTOR GENERAL

11 For an additional amount for “Office of Inspector
12 General”, \$3,000,000, to remain available until expended
13 to prevent, prepare for, and respond to coronavirus, in-
14 cluding the impact of coronavirus on the work of the De-
15 partment of Justice and to carry out investigations and
16 audits related to the funding made available for the De-
17 partment of Justice in this Act: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
2 OFFICE ON VIOLENCE AGAINST WOMEN
3 VIOLENCE AGAINST WOMEN PREVENTION AND
4 PROSECUTION PROGRAMS

5 For an additional amount for “Violence Against
6 Women Prevention and Prosecution Programs”,
7 \$100,000,000, to remain available until expended, of
8 which—

9 (1) \$30,000,000 is for grants to combat vio-
10 lence against women, as authorized by part T of the
11 Omnibus Crime Control and Safe Streets Acts of
12 1968;

13 (2) \$15,000,000 is for transitional housing as-
14 sistance grants for victims of domestic violence, dat-
15 ing violence, stalking, or sexual assault, as author-
16 ized by section 40299 of the Violent Crime Control
17 and Law Enforcement Act of 1994 (Public Law
18 103–322; “1994 Act”);

19 (3) \$15,000,000 is for sexual assault victims
20 assistance, as authorized by section 41601 of the
21 1994 Act;

22 (4) \$10,000,000 is for rural domestic violence
23 and child abuse enforcement assistance grants, as
24 authorized by section 40295 of the 1994 Act;

1 (5) \$10,000,000 is for legal assistance for vic-
2 tims, as authorized by section 1201 of the Victims
3 of Trafficking and Violence Protection Act of 2000
4 (Public Law 106–386; “2000 Act”);

5 (6) \$4,000,000 is for grants to assist tribal gov-
6 ernments in exercising special domestic violence
7 criminal jurisdiction, as authorized by section 904 of
8 the Violence Against Women Reauthorization Act of
9 2013; and

10 (7) \$16,000,000 is for grants to support fami-
11 lies in the justice system, as authorized by section
12 1301 of the 2000 Act:

13 *Provided*, That funds made available under this heading
14 shall be made available without any otherwise applicable
15 requirement that a recipient of such funds provide any
16 other Federal funds, or any non-Federal funds, as a condi-
17 tion to receive the funds made available under this head-
18 ing: *Provided further*, That such amount is designated by
19 the Congress as being for an emergency requirement pur-
20 suant to section 251(b)(2)(A)(i) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 OFFICE OF JUSTICE PROGRAMS

23 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

24 For an additional amount for “State and Local Law
25 Enforcement Assistance”, \$300,000,000, to remain avail-

1 able until expended, for the same purposes and subject
2 to the same conditions as the appropriations for fiscal year
3 2020 under this heading in title II of division B of Public
4 Law 116–136, including for the purchase of personal pro-
5 tective equipment, and for costs related to preventing and
6 controlling coronavirus at correctional institutions: *Pro-*
7 *vided*, That, notwithstanding section 502(a)(1) of the Om-
8 nibus Crime Control and Safe Streets Act of 1968 (34
9 U.S.C. 10153), funds provided under this heading in both
10 this Act and title II of division B of Public Law 116–
11 136 may be used to supplant State or local funds: *Pro-*
12 *vided further*, That funds made available under this head-
13 ing in both this Act and title II of division B of Public
14 Law 116–136 shall be made available without any other-
15 wise applicable requirement that a recipient of such funds
16 provide any other Federal funds, or any non-Federal
17 funds, as a condition to receive the funds made available
18 under such heading: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

23 For an additional amount for “State and Local Law
24 Enforcement Assistance”, \$250,000,000, to remain avail-
25 able until expended, for offender reentry programs and re-

1 search, as authorized by the Second Chance Act of 2007
2 (Public Law 110–199) and by the Second Chance Reau-
3 thorization Act of 2018 (Public Law 115–391), without
4 regard to the time limitations specified at section 6(1) of
5 such Act, to prevent, prepare for, and respond to
6 coronavirus: *Provided*, That, notwithstanding any other
7 provision of law, funds provided under this heading may
8 be used to supplant State or local funds: *Provided further*,
9 That funds made available under this heading shall be
10 made available without any otherwise applicable require-
11 ment that a recipient of such funds provide any other Fed-
12 eral funds, or any non-Federal funds, as a condition to
13 receive the funds made available under this heading: *Pro-*
14 *vided further*, That such amount is designated by the Con-
15 gress as being for an emergency requirement pursuant to
16 section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 For an additional amount for “State and Local Law
19 Enforcement Assistance”, \$600,000,000, to remain avail-
20 able until expended, for grants, contracts, cooperative
21 agreements, and other assistance as authorized by the
22 Pandemic Justice Response Act (“the Act”): *Provided*,
23 That \$500,000,000 is to establish and implement policies
24 and procedures to prevent, detect, and stop the presence
25 and spread of COVID–19 among arrestees, detainees, in-

1 mates, correctional facility staff, and visitors to the facili-
2 ties; and for pretrial citation and release grants, as au-
3 thorized by the Act: *Provided further*, That \$25,000,000
4 is for Rapid COVID–19 Testing, as authorized by the Act:
5 *Provided further*, That \$75,000,000 is for grants for Juve-
6 nile Specific Services, as authorized by the Act: *Provided*
7 *further*, That, notwithstanding any other provision of law,
8 funds provided under this heading may be used to sup-
9 plant State or local funds: *Provided further*, That funds
10 made available under this heading shall be made available
11 without any otherwise applicable requirement that a re-
12 cipient of such funds provide any other Federal funds, or
13 any non-Federal funds, as a condition to receive the funds
14 made available under this heading: *Provided further*, That
15 such amount is designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 COMMUNITY ORIENTED POLICING SERVICES

20 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

21 For an additional amount for “Community Oriented
22 Policing Services”, \$300,000,000, to remain available
23 until expended, for grants under section 1701 of title I
24 of the 1968 Omnibus Crime Control and Safe Streets Act
25 (34 U.S.C. 10381) for hiring and rehiring of additional

1 career law enforcement officers under part Q of such title,
2 notwithstanding subsection (i) of such section, and includ-
3 ing for the purchase of personal protective equipment:
4 *Provided*, That, notwithstanding 34 U.S.C. 10384, funds
5 provided under this heading may be used to supplant
6 State or local funds and may be used to retain career law
7 enforcement officers: *Provided further*, That funds made
8 available under this heading shall be made available with-
9 out any otherwise applicable requirement that a recipient
10 of such funds provide any other Federal funds, or any
11 non-Federal funds, as a condition to receive the funds
12 made available under this heading: *Provided further*, That
13 such amount is designated by the Congress as being for
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17

SCIENCE

18

NATIONAL SCIENCE FOUNDATION

19

RESEARCH AND RELATED ACTIVITIES

20

(INCLUDING TRANSFER OF FUNDS)

21

22 For an additional amount for “Research and Related
23 Activities”, \$125,000,000, to remain available until Sep-
24 tember 30, 2022, to prevent, prepare for, and respond to
25 coronavirus, including to fund research grants, of which
\$1,000,000 shall be for a study on the spread of COVID–

1 19 related disinformation: *Provided further*, That, within
2 the amount appropriated under this heading in this Act,
3 up to 2 percent of funds may be transferred to the “Agen-
4 cy Operations and Award Management” account for man-
5 agement, administration, and oversight of funds provided
6 under this heading in this Act: *Provided further*, That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RELATED AGENCIES

12 LEGAL SERVICES CORPORATION

13 PAYMENT TO THE LEGAL SERVICES CORPORATION

14 For an additional amount for “Payment to the Legal
15 Services Corporation”, \$50,000,000, for the same pur-
16 poses and subject to the same conditions as the appropria-
17 tions for fiscal year 2020 under this heading in title II
18 of division B of Public Law 116–136: *Provided*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 TITLE III—FINANCIAL SERVICES AND GENERAL
2 GOVERNMENT

3 DEPARTMENT OF THE TREASURY

4 DEPARTMENTAL OFFICES

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$35,000,000, to remain available until expended,
9 to conduct monitoring and oversight of the receipt, dis-
10 bursement, and use of funds made available under the
11 “Coronavirus State Fiscal Relief Fund” and the
12 “Coronavirus Local Fiscal Relief Fund” (collectively,
13 “Fiscal Relief Funds”): *Provided*, That, if the Inspector
14 General of the Department of the Treasury determines
15 that an entity receiving a payment from amounts provided
16 by the Fiscal Relief Funds has failed to comply with the
17 provisions governing the use of such funding, the Inspec-
18 tor General shall transmit any relevant information re-
19 lated to such determination to the Committees on Appro-
20 priations of the House of Representatives and the Senate
21 not later than 5 days after any such determination is
22 made: *Provided further*, That such amount is designated
23 by the Congress as being for an emergency requirement
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
25 et and Emergency Deficit Control Act of 1985.

1 TREASURY INSPECTOR GENERAL FOR TAX

2 ADMINISTRATION

3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses”, \$2,500,000, to remain available until expended,
6 to prevent, prepare for, and respond to coronavirus, do-
7 mestically or internationally: *Provided*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 HOMEOWNER ASSISTANCE FUND

13 For activities and assistance authorized in section
14 110202 of the “COVID-19 HERO Act” ,
15 \$75,000,000,000, to remain available until expended: *Pro-*
16 *vided*, That such amount is designated by the Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985.

20 BUREAU OF THE FISCAL SERVICE

21 SALARIES AND EXPENSES

22 For an additional amount for “Salaries and Ex-
23 penses”, \$78,650,000, to remain available until September
24 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally: *Provided*,

1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 CORONAVIRUS STATE FISCAL RELIEF FUND

6 For making payments to States, territories, and Trib-
7 al governments to mitigate the fiscal effects stemming
8 from the public health emergency with respect to the
9 Coronavirus Disease (COVID–19), \$540,000,000,000 to
10 remain available until expended, which shall be in addition
11 to any other amounts available for making payments to
12 States, territories, and Tribal governments for any pur-
13 pose (including payments made under section 601 of the
14 Social Security Act), of which:

15 (1) \$20,000,000,000 shall be for making
16 payments to the Commonwealth of Puerto Rico,
17 United States Virgin Islands, Guam, Common-
18 wealth of the Northern Mariana Islands, and
19 American Samoa: *Provided*, That of the amount
20 made available in this paragraph, half shall be
21 allocated equally among each entity specified in
22 this paragraph, and half shall be allocated as
23 an additional amount to each such entity in an
24 amount which bears the same proportion to half
25 of the total amount provided under this para-

1 graph as the relative population of each such
2 entity bears to the total population of all such
3 entities;

4 (2) \$20,000,000,000 shall be for making
5 payments to Tribal governments: *Provided*,
6 That payments of amounts made available in
7 this paragraph shall be made to each Tribal
8 Government in an amount determined by the
9 Secretary of the Treasury, in consultation with
10 the Secretary of the Interior and Indian Tribes,
11 that is based on increased aggregate expendi-
12 tures of each such Tribal government (or a trib-
13 ally-owned entity of such Tribal government) in
14 fiscal year 2020 relative to aggregate expendi-
15 tures in fiscal year 2019 by the Tribal govern-
16 ment (or tribally-owned entity) and determined
17 in such manner as the Secretary determines ap-
18 propriate to ensure that all amounts available
19 pursuant to the preceding proviso for fiscal year
20 2020 are distributed to Tribal governments:

21 (3) \$250,000,000,000 shall be for making
22 initial payments to each of the 50 States and
23 the District of Columbia, of which—

1 (A) \$51,000,000,000 shall be al-
2 located equally between each of the 50
3 States and the District of Columbia;

4 (B) \$150,000,000,000 shall be
5 allocated as an additional amount to
6 each such entity in an amount which
7 bears the same proportion to the total
8 amount provided under this subpara-
9 graph as the relative population of
10 each such entity bears to the total
11 population of all such entities;

12 (C) \$49,000,000,000 shall be al-
13 located as additional amounts among
14 each of the 50 States and the District
15 of Columbia in an amount which
16 bears the same proportion to the total
17 amount provided under this subpara-
18 graph as the relative prevalence of
19 COVID-19 within each such entity
20 bears to the total prevalence of
21 COVID-19 within all such entities:
22 *Provided*, That the relative prevalence
23 of COVID-19 shall be calculated
24 using the most recent data on the
25 number of confirmed and probable

1 cases as published on the Internet by
2 the Centers for Disease Control and
3 Prevention for each entity specified in
4 the preceding proviso;

5 (4) \$250,000,000,000 shall be for making an
6 additional payment to each of the 50 States and the
7 District of Columbia, of which—

8 (A) \$51,000,000,000 shall be allocated
9 equally between each of the 50 States and the
10 District of Columbia; and

11 (B) \$199,000,000,000 shall be allocated
12 between each such entity in an additional
13 amount which bears the same proportion to the
14 total amount provided under this subparagraph
15 as the average estimated number of seasonally-
16 adjusted unemployed individuals (as measured
17 by the Bureau of Labor Statistics Local Area
18 Unemployment Statistics program) in each such
19 entity over the 3-month period ending in March
20 2021 bears to the average estimated number of
21 seasonally-adjusted unemployed individuals in
22 all such entities over the same period.

23 *Provided further,* That any entity receiving a payment
24 from funds made available under this heading in this Act
25 shall only use such amounts to respond to, mitigate, cover

1 costs or replace foregone revenues not projected on Janu-
2 ary 31, 2020 stemming from the public health emergency,
3 or its negative economic impacts, with respect to the
4 Coronavirus Disease (COVID–19): *Provided further*, That
5 if the Inspector General of the Department of the Treas-
6 ury determines that an entity receiving a payment from
7 amounts provided under this heading has failed to comply
8 with the preceding proviso, the amount equal to the
9 amount of funds used in violation of such subsection shall
10 be booked as a debt of such entity owed to the Federal
11 Government, and any amounts recovered under this sub-
12 section shall be deposited into the general fund of the
13 Treasury as discretionary offsetting receipts: *Provided fur-*
14 *ther*, That for purposes of the preceding provisos under
15 this heading in this Act, the population of each entity de-
16 scribed in any such proviso shall be determined based on
17 the most recent year for which data are available from
18 the Bureau of the Census, or in the case of an Indian
19 tribe, shall be determined based on data certified by the
20 Tribal government: *Provided further*, That as used under
21 this heading in this Act, the terms “Tribal government”
22 and “Indian Tribe” have the same meanings as specified
23 in section 601(g) of the Social Security Act (42 U.S.C.
24 601(g)), as added by section 5001 of the CARES Act
25 (Public Law 116-136) and amended by section 191301 of

1 division X of this Act, and the term “State” means one
2 of the 50 States: *Provided further*, That the Secretary of
3 Treasury shall make all payments required pursuant to
4 paragraphs (1), (2), and (3) not later than 30 days after
5 the date of enactment of this Act, and shall make all pay-
6 ments required pursuant to paragraph (4) not later than
7 May 3, 2021: *Provided further*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 CORONAVIRUS LOCAL FISCAL RELIEF FUND

12 For making payments to metropolitan cities, coun-
13 ties, and other units of general local government to miti-
14 gate the fiscal effects stemming from the public health
15 emergency with respect to the Coronavirus Disease
16 (COVID–19), \$375,000,000,000, to remain available until
17 expended, which shall be in addition to any other amounts
18 available for making payments to metropolitan cities,
19 counties, and other units of general local government (in-
20 cluding payments made under section 601 of the Social
21 Security Act), of which—

22 (1) \$187,500,000,000 shall be for making pay-
23 ments to metropolitan cities and other units of gen-
24 eral local government (as those terms are defined in

1 section 102 of the Housing and Community Devel-
2 opment Act of 1974 (42 U.S.C. 5302)), of which—

3 (A) \$131,250,000,000 shall be allocated
4 pursuant to the formula under section
5 106(b)(1) of the Housing and Community De-
6 velopment Act of 1974 (42 U.S.C. 5306(b)(1))
7 to metropolitan cities (as defined in section
8 102(a)(4) of such Act (42 U.S.C. 5302(a)(4)),
9 including metropolitan cities that have relin-
10 quished or deferred their status as a metropoli-
11 tan city as of the date of enactment of this Act:
12 *Provided*, That \$87,500,000,000 of the funds
13 provided under this subparagraph shall be paid
14 not later than 30 days after the date of enact-
15 ment of this Act: *Provided further*, That
16 \$43,750,000,000 of the funds provided under
17 this subparagraph shall be paid not earlier than
18 April 15, 2021, but not later than May 3, 2021;
19 and

20 (B) \$56,250,000,000 shall be distributed
21 to each State (as that term is defined in section
22 102 of the Housing and Community Develop-
23 ment Act of 1974 (42 U.S.C. 5302)) for use by
24 units of general local government, other than
25 counties or parishes, in nonentitlement areas

1 (as defined in such section 102) of such States
2 in an amount which bears the same proportion
3 to the total amount provided under this sub-
4 paragraph as the total population of such units
5 of general local government within the State
6 bears to the total population of all such units
7 of general local government in all such States:
8 *Provided*, That two-thirds of the funds provided
9 under this subparagraph and allocated to each
10 such unit of general local government shall be
11 distributed to each such unit of general local
12 government not later than 30 days after the
13 date of enactment of this Act: *Provided further*,
14 That the remainder of the funds provided under
15 this subparagraph and allocated to each such
16 unit of general local government shall be dis-
17 tributed to each such unit of general local gov-
18 ernment not earlier than April 15, 2021, but
19 not later than May 3, 2021: *Provided further*,
20 That a State shall pass-through the amounts
21 received under this subparagraph, within 30
22 days of receipt, to each such unit of general
23 local government in an amount that bears the
24 same proportion to the amount distributed to
25 each such State as the population of such unit

1 of general local government bears to the total
2 population of all such units of general local gov-
3 ernment within each such State: *Provided fur-*
4 *ther*, That if a State has not elected to dis-
5 tribute amounts allocated under this paragraph,
6 the Secretary of the Treasury shall pay the ap-
7 plicable amounts under this subparagraph to
8 such units of general local government in the
9 State not later than 30 days after the date on
10 which the State would otherwise have received
11 the amounts from the Secretary; and

12 (2) \$187,500,000,000 shall be paid directly to
13 counties within the 50 States, the District of Colum-
14 bia, the Commonwealth of Puerto Rico, the United
15 States Virgin Islands, Guam, the Commonwealth of
16 the Northern Mariana Islands, and American Samoa
17 in an amount which bears the same proportion to
18 the total amount provided under this paragraph as
19 the relative population of each such county bears to
20 the total population of all such entities: *Provided*,
21 That two-thirds of the funds provided under this
22 paragraph and allocated to each such county shall be
23 distributed to each such county not later than 30
24 days after the date of enactment of this Act: *Pro-*
25 *vided further*, That the remainder of the amount al-

1 located to each such county under this paragraph
2 shall be distributed to each such county not earlier
3 than April 15, 2021, but not later than May 3,
4 2021: *Provided further*, That no county that is an
5 “urban county” (as defined in section 102 of the
6 Housing and Community Development Act of 1974
7 (42 U.S.C. 5302)) shall receive less than the amount
8 the county would otherwise receive if the amount
9 distributed under this paragraph were allocated to
10 metropolitan cities and urban counties under section
11 106(b) of the Housing and Community Development
12 Act of 1974 (42 U.S.C. 5306(b)): *Provided further*,
13 That in the case of an amount to be paid to a coun-
14 ty that is not a unit of general local government, the
15 amount shall instead be paid to the State in which
16 such county is located, and such State shall dis-
17 tribute such amount to units of general local govern-
18 ment within such county in an amounts that bear
19 the same proportion as the population of such units
20 of general local government bear to the total popu-
21 lation of such county:

22 *Provided further*, That any entity receiving a payment
23 from funds made available under this heading in this Act
24 shall only use such amounts to respond to, mitigate, cover
25 costs or replace foregone revenues not projected on Janu-

1 ary 31, 2020 stemming from the public health emergency,
2 or its negative economic impacts, with respect to the
3 Coronavirus Disease (COVID–19): *Provided further*, That
4 if the Inspector General of the Department of the Treas-
5 ury determines that an entity receiving a payment from
6 amounts provided under this heading has failed to comply
7 with the preceding proviso, the amount equal to the
8 amount of funds used in violation of such subsection shall
9 be booked as a debt of such entity owed to the Federal
10 Government, and any amounts recovered under this sub-
11 section shall be deposited into the general fund of the
12 Treasury as discretionary offsetting receipts: *Provided fur-*
13 *ther*, That nothing in paragraph (1) or (2) shall be con-
14 strued as prohibiting a unit of general local government
15 that has formed a consolidated government, or that is geo-
16 graphically contained (in full or in part) within the bound-
17 aries of another unit of general local government from re-
18 ceiving a distribution under each of subparagraphs (A)
19 and (B) under paragraph (1) or under paragraph (2), as
20 applicable, based on the respective formulas specified con-
21 tained therein: *Provided further*, That the amounts other-
22 wise determined for distribution to units of local govern-
23 ment under each of subparagraphs (A) and (B) under
24 paragraph (1) and under paragraph (2) shall each be ad-
25 justed by the Secretary of the Treasury on a pro rata basis

1 to the extent necessary to comply with the amount appro-
2 priated and the requirements specified in each paragraph
3 and subparagraph, as applicable: *Provided further*, That
4 as used under this heading in this Act, the term “county”
5 means a county, parish, or other equivalent county divi-
6 sion (as defined by the Bureau of the Census): *Provided*
7 *further*, That for purposes of the preceding provisos under
8 this heading in this Act, the population of an entity shall
9 be determined based on the most recent year for which
10 data are available from the Bureau of the Census: *Pro-*
11 *vided further*, That such amount is designated by Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

16 FUND PROGRAM ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for the “Community Devel-
19 opment Financial Institutions Fund Program Account”,
20 \$1,000,000,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That the Community Development Financial In-
23 stitutions Fund (CDFI) shall provide grants using a for-
24 mula that takes into account criteria such as certification
25 status, financial and compliance performance, portfolio

1 and balance sheet strength, and program capacity: *Pro-*
2 *vided further*, That no less than \$25,000,000 may be for
3 financial assistance, technical assistance, and training and
4 outreach programs designed to benefit Native American,
5 Native Hawaiian, and Alaska Native communities: *Pro-*
6 *vided further*, That the CDFI Fund shall make funds
7 available under this subsection within 60 days of the date
8 of enactment of this Act: *Provided further*, That funds
9 made available under this heading may be used for admin-
10 istrative expenses, including administration of CDFI
11 Fund programs and the New Markets Tax Credit Pro-
12 gram: *Provided further*, That such amount is designated
13 by the Congress as being for an emergency requirement
14 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
15 et and Emergency Deficit Control Act of 1985.

16 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

17 SERVICE

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 10301. In addition to the amounts otherwise
20 available to the Internal Revenue Service in fiscal year
21 2020, \$520,000,000, to remain available until September
22 30, 2021, shall be available to prevent, prepare for, and
23 respond to coronavirus, including for costs associated with
24 the extended filing season: *Provided*, That such funds may
25 be transferred by the Commissioner to the “Taxpayer

1 Services”, “Enforcement”, or “Operations Support” ac-
2 counts of the Internal Revenue Service for an additional
3 amount to be used solely to prevent, prepare for, and re-
4 spond to coronavirus, domestically or internationally: *Pro-*
5 *vided further*, That the Committees on Appropriations of
6 the House of Representatives and the Senate shall be noti-
7 fied in advance of any such transfer: *Provided further*,
8 That such transfer authority is in addition to any other
9 transfer authority provided by law: *Provided further*, That
10 not later than 30 days after the date of enactment of this
11 Act, the Commissioner shall submit to the Committees on
12 Appropriations of the House of Representatives and the
13 Senate a spending plan for such funds: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES
19 ELECTION ASSISTANCE COMMISSION
20 ELECTION RESILIENCE GRANTS
21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for payments by the Elec-
23 tion Assistance Commission to States for contingency
24 planning, preparation, and resilience of elections for Fed-
25 eral office, \$3,600,000,000, to remain available until Sep-

1 tember 30, 2021: *Provided*, That of the amount provided
2 under this heading, up to \$5,000,000 may be transferred
3 to and merged with “Election Assistance Commission—
4 Salaries and Expenses”: *Provided further*, That under this
5 heading the term “State” means each of the 50 States,
6 the District of Columbia, the Commonwealth of Puerto
7 Rico, Guam, American Samoa, the United States Virgin
8 Islands, and the Commonwealth of the Northern Mariana
9 Islands: *Provided further*, That the amount of the pay-
10 ments made to a State under this heading shall be con-
11 sistent with section 103 of the Help America Vote Act of
12 2002 (52 U.S.C. 20903): *Provided further*, That for the
13 purposes of the preceding proviso, each reference to
14 “\$5,000,000” in such section 103 shall be deemed to refer
15 to “\$7,500,000”: *Provided further*, That not later than 30
16 days after the date of enactment of this Act, the Election
17 Assistance Commission shall obligate the funds to States
18 under this heading in this Act: *Provided further*, That not
19 less than 50 percent of the amount of the payment made
20 to a State under this heading in this Act shall be allocated
21 in cash or in kind to the units of local government which
22 are responsible for the administration of elections for Fed-
23 eral office in the State: *Provided further*, That such
24 amount is designated by the Congress as being for an
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE

4 COMMISSION

5 SEC. 10302. (a) The last proviso under the heading
6 “Election Assistance Commission—Election Security
7 Grants” in the Financial Services and General Govern-
8 ment Appropriations Act, 2020 (division C of Public Law
9 116–93; 133 Stat. 2461) shall not apply with respect to
10 any payment made to a State using funds appropriated
11 or otherwise made available to the Election Assistance
12 Commission under the Coronavirus Aid, Relief, and Eco-
13 nomic Security Act (Public Law 116–136).

14 (b) The first proviso under the heading “Election As-
15 sistance Commission—Election Security Grants” in the
16 Coronavirus Aid, Relief, and Economic Security Act (Pub-
17 lic Law 116–136) is amended by striking “within 20 days
18 of each election in the 2020 Federal election cycle in that
19 State,” and inserting “not later than October 30, 2021,”.

20 (c) The fourth proviso under the heading “Election
21 Assistance Commission—Election Security Grants” in the
22 Coronavirus Aid, Relief, and Economic Security Act (Pub-
23 lic Law 116–136) is amended by striking “December 31,
24 2020” and inserting “September 30, 2021”.

1 (d) Notwithstanding any requirement that a State
2 legislature appropriate and release any funds made avail-
3 able under the Help America Vote Act of 2002, the chief
4 election official of each State shall have access to the funds
5 made available under the heading “Election Assistance
6 Commission—Election Security Grants” in the
7 Coronavirus Aid, Relief, and Economic Security Act (Pub-
8 lic Law 116–136) without any such action by the State
9 legislature.

10 (e) A State may elect to reallocate funds allocated
11 under the heading “Election Assistance Commission—
12 Election Security Grants” in the Coronavirus Aid, Relief,
13 and Economic Security Act (Public Law 116–136) as
14 funds allocated under the heading “Election Assistance
15 Commission—Election Security Grants” in the Financial
16 Services and General Government Appropriations Act,
17 2020 (division C of Public Law 116–93; 133 Stat. 2461)
18 that were spent to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally, for the 2020
20 Federal election cycle; or funds allocated under the head-
21 ing “Election Assistance Commission—Election Reform
22 Program” in the Financial Services and Government Ap-
23 propriations Act, 2018 (division E of Public Law 115–
24 141) that were spent to prevent, prepare for, and respond

1 to coronavirus, domestically or internationally, for the
2 2020 Federal election cycle.

3 (f) This section shall take effect as if included in the
4 enactment of the Coronavirus Aid, Relief, and Economic
5 Security Act (Public Law 116–136).

6 (g) The amounts repurposed in this section that were
7 previously designated by the Congress as an emergency
8 requirement pursuant to the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985 are designated by the
10 Congress as an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 FEDERAL COMMUNICATIONS COMMISSION

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$24,000,000, to remain available until September
17 30, 2021, for implementing title VIII of the Communica-
18 tions Act of 1934 (47 U.S.C. 641 et seq.), as added by
19 the Broadband DATA Act (Public Law 116–130): *Pro-*
20 *vided*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

1 EMERGENCY CONNECTIVITY FUND

2 For an additional amount for the “Emergency
3 Connectivity Fund”, \$1,500,000,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally,
6 through the provision of funding for Wi-fi hotspots, other
7 equipment, connected devices, and advanced telecommuni-
8 cations and information services to schools and libraries
9 as authorized in section 130201: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 EMERGENCY BROADBAND CONNECTIVITY FUND

15 For an additional amount for the “Emergency
16 Broadband Connectivity Fund”, \$4,000,000,000, to re-
17 main available until September 30, 2021, to prevent, pre-
18 pare for, and respond to coronavirus, domestically or
19 internationally, through the provision of an emergency
20 benefit for broadband service as authorized in section
21 130301: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 GENERAL SERVICES ADMINISTRATION

2 TECHNOLOGY MODERNIZATION FUND

3 For an additional amount for the “Technology Mod-
4 ernization Fund”, \$1,000,000,000, to remain available
5 until September 30, 2022, for technology-related mod-
6 ernization activities to prevent, prepare for, and respond
7 to coronavirus, domestically or internationally: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF PERSONNEL MANAGEMENT

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$1,000,000, to remain available until expended
17 to prevent, prepare for, and respond to coronavirus, do-
18 mestically or internationally: *Provided*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 SMALL BUSINESS ADMINISTRATION

2 EMERGENCY EIDL GRANTS

3 For an additional amount for “Emergency EIDL
4 Grants” for the cost of emergency EIDL grants author-
5 ized by section 1110 of division A of the CARES Act
6 (Public Law 116–136), \$10,000,000,000, to remain avail-
7 able until expended, to prevent, prepare for, and respond
8 to coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

14 ADMINISTRATION

15 SEC. 10303. (a) The third proviso under the heading
16 “Small Business Administration—Business Loans Pro-
17 gram Account” the Financial Services and General Gov-
18 ernment Appropriations Act, 2020 (division C of Public
19 Law 116–93) is amended by striking “\$30,000,000,000”
20 and inserting “\$75,000,000,000”.

21 (b) The sixth proviso under the heading “Small Busi-
22 ness Administration—Business Loans Program Account”
23 the Financial Services and General Government Appro-
24 priations Act, 2020 (division C of Public Law 116–93)

1 is amended by striking “\$12,000,000,000” and inserting
2 “\$35,000,000,000”.

3 UNITED STATES POSTAL SERVICE

4 PAYMENT TO POSTAL SERVICE FUND

5 For an additional payment to the “Postal Service
6 Fund”, for revenue forgone due to coronavirus,
7 \$25,000,000,000, to remain available until September 30,
8 2022: *Provided*, That the Postal Service, during the
9 coronavirus emergency, shall prioritize the purchase of,
10 and make available to all Postal Service employees and
11 facilities, personal protective equipment, including gloves,
12 masks, and sanitizers, and shall conduct additional clean-
13 ing and sanitizing of Postal Service facilities and delivery
14 vehicles: *Provided further*, That such amount is designated
15 by the Congress as being for an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
21 penses”, \$15,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally: *Provided*, That such amount
24 is designated by the Congress as being for an emergency
25 requirement pursuant to section 251(b)(2)(A)(i) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 10304. (a) Title V of division B of the CARES
5 Act (Public Law 116–136) is amended in the first proviso
6 under the heading “Independent Agencies—Pandemic Re-
7 sponse Accountability Committee” by inserting “or any
8 other Act (including Acts other than appropriations
9 Acts)” after “provided in this Act”.

10 (b) Amounts repurposed under this section that were
11 previously designated by the Congress, respectively, as an
12 emergency requirement or as being for disaster relief pur-
13 suant to the Balanced Budget and Emergency Deficit
14 Control Act are designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985 or as being for disaster relief
18 pursuant to section 251(b)(2)(D) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 SEC. 10305. Title V of division B of the CARES Act
21 (Public Law 116–136) is amended by striking the fifth
22 proviso under the heading “General Services Administra-
23 tion—Real Property Activities—Federal Buildings
24 Fund”: *Provided*, That the amounts repurposed in this
25 section that were previously designated by the Congress

1 as an emergency requirement pursuant to the Balanced
2 Budget and Emergency Deficit Control Act of 1985 are
3 designated by the Congress as an emergency requirement
4 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985.

6 SEC. 10306. For an additional amount for “Depart-
7 ment of the Treasury—Departmental Offices—
8 Coronavirus Relief Fund”, an amount equal to—

9 (1) \$1,250,000,000; less

10 (2) the amount allocated for the District of Co-
11 lumbia pursuant to section 601(e)(6) of the Social
12 Security Act:

13 *Provided*, That such amounts shall only be available for
14 making a payment to the District of Columbia, and shall
15 be in addition to any other funds available for such pur-
16 pose: *Provided further*, That the Secretary of the Treasury
17 shall pay all amounts provided by this section directly to
18 the District of Columbia not less than 5 days after the
19 date of enactment of this Act: *Provided further*, That the
20 District of Columbia shall use such amounts only to cover
21 costs or replace foregone revenues stemming from the pub-
22 lic health emergency with respect to the Coronavirus Dis-
23 ease (COVID–19): *Provided further*, That such amount is
24 designated by Congress as being for an emergency require-

1 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 TITLE IV—HOMELAND SECURITY
4 DEPARTMENT OF HOMELAND SECURITY
5 OFFICE OF INSPECTOR GENERAL
6 OPERATIONS AND SUPPORT

7 For an additional amount for “Operations and Sup-
8 port”, \$3,000,000, to remain available until September
9 30, 2022, for oversight of activities of the Department of
10 Homeland Security funded in this Act and in title VI of
11 division B of Public Law 116–136 to prevent, prepare for,
12 and respond to coronavirus: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 FEDERAL EMERGENCY MANAGEMENT AGENCY
18 FEDERAL ASSISTANCE

19 For an additional amount for “Federal Assistance”,
20 \$1,300,000,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 of which \$500,000,000 shall be for Assistance to Fire-
23 fighter Grants for the purchase of personal protective
24 equipment and related supplies, mental health evaluations,
25 training, and temporary infectious disease de-contamina-

1 tion or sanitizing facilities and equipment; of which
2 \$500,000,000 shall be for Staffing for Adequate Fire and
3 Emergency Response Grants; of which \$100,000,000 shall
4 be for Emergency Management Performance Grants; and
5 of which \$200,000,000 shall be for the Emergency Food
6 and Shelter Program: *Provided*, That such amount is des-
7 ignated by the Congress as being for an emergency re-
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985.

10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 10401. Notwithstanding any other provision of
12 law, funds made available under “Federal Emergency
13 Management Agency—Federal Assistance” shall only be
14 used for the purposes specifically described under that
15 heading.

16 SEC. 10402. (a) Subsections (c)(2), (f), (g)(1),
17 (h)(1)–(4), (h)(6), and (k) of section 33 of the Federal
18 Fire Prevention and Control Act of 1974 (15 U.S.C.
19 2229) shall not apply to amounts appropriated for “Fed-
20 eral Emergency Management Agency – Federal Assist-
21 ance” for Assistance to Firefighter Grants in this Act and
22 in division D, title III of the Consolidated Appropriations
23 Act, 2020 (Public Law 116–93).

24 (b) Subsection (k) of section 33 of the Federal Fire
25 Prevention and Control Act of 1974 (15 U.S.C. 2229)

1 shall not apply to Amounts provided for “Federal Emer-
2 gency Management Agency–Federal Assistance” for As-
3 sistance to Firefighter Grants in title VI of division B of
4 Public Law 116–136.

5 (c) Amounts repurposed under this section that were
6 previously designated by the Congress, respectively, as an
7 emergency requirement or as being for disaster relief pur-
8 suant to the Balanced Budget and Emergency Deficit
9 Control Act are designated by the Congress as being for
10 an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985 or as being for disaster relief
13 pursuant to section 251(b)(2)(D) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 SEC. 10403. Subsections (a)(1)(A), (a)(1)(B),
16 (a)(1)(E), (a)(1)(G), (c)(1), (c)(2), and (c)(4) of section
17 34 of the Federal Fire Prevention and Control Act of 1974
18 (15 U.S.C. 2229a) shall not apply to amounts appro-
19 priated for “Federal Emergency Management Agency –
20 Federal Assistance” for Staffing for Adequate Fire and
21 Emergency Response Grants in this Act and in division
22 D, title III of the Consolidated Appropriations Act, 2020
23 (Public Law 116–93).

1 TITLE V—INTERIOR, ENVIRONMENT, AND
2 RELATED AGENCIES
3 DEPARTMENT OF THE INTERIOR
4 UNITED STATES FISH AND WILDLIFE SERVICE
5 RESOURCE MANAGEMENT

6 For an additional amount for “Resource Manage-
7 ment”, \$21,000,000, to remain available until expended
8 for research; listing injurious species; electronic permitting
9 system development; operation and maintenance; law en-
10 forcement interdiction and inspections; and other support
11 activities, as described in sections 190402, 190403, and
12 190404 of division S of this Act: *Provided*, That amounts
13 may be transferred to “Surveys, Investigations and Re-
14 search” in the United States Geological Survey; “National
15 Oceanic and Atmospheric Administration” in the Depart-
16 ment of Commerce; and the “Center for Disease Control”
17 in the Department of Health and Human Services: *Pro-*
18 *vided further*, That such amount is designated by the Con-
19 gress as being for an emergency requirement pursuant to
20 section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 STATE AND TRIBAL WILDLIFE GRANTS

23 For an additional amount for “State and Tribal
24 Wildlife Grants”, \$50,000,000, to remain available until
25 expended, for a onetime grant program to remain available

1 until expended, as described in section 190405 of division
2 S of this Act: *Provided*, That such amount is designated
3 by the Congress as being for an emergency requirement
4 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985.

6 UNITED STATES GEOLOGICAL SURVEY

7 SURVEYS, INVESTIGATIONS, AND RESEARCH

8 For an additional amount for “Surveys, Investiga-
9 tions, and Research”, \$40,000,000, to remain available
10 until September 30, 2021, for technical assistance, bio-
11 surveillance of wildlife and environmental persistence
12 studies and related research, database development, and
13 accompanying activities as described in section 190404 of
14 division S of this Act: *Provided*, That such amount is des-
15 ignated by the Congress as being for an emergency re-
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 BUREAU OF INDIAN AFFAIRS

19 OPERATION OF INDIAN PROGRAMS

20 For an additional amount for “Operation of Indian
21 Programs”, \$900,000,000, to remain available until Sep-
22 tember 30, 2021, to prevent, prepare for, and respond to
23 coronavirus, of which—

24 (1) \$100,000,000 shall be for housing improve-
25 ment;

1 (2) \$780,000,000 shall be for providing Tribal
2 government services, for Tribal government em-
3 ployee salaries to maintain operations, and cleaning
4 and sanitization of Tribally owned and operated fa-
5 cilities; and

6 (3) \$20,000,000 shall be used to provide and
7 deliver potable water; and,

8 *Provided*, That none of the funds appropriated herein shall
9 be obligated until 3 days after the Bureau of Indian Af-
10 fairs provides a detailed spend plan, which includes dis-
11 tribution and use of funds by Tribe, to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate: *Provided further*, That the Bureau shall notify the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate quarterly on the obligations and ex-
16 penditures of the funds provided by this Act: *Provided fur-*
17 *ther*, That assistance received herein shall not be included
18 in the calculation of funds received by those Tribal govern-
19 ments who participate in the “Small and Needy” program:
20 *Provided further*, That such amounts, if transferred to In-
21 dian Tribes and Tribal organizations under the Indian
22 Self-Determination and Education Assistance Act (1) will
23 be transferred on a one-time basis, (2) are non-recurring
24 funds that are not part of the amount required by 25
25 U.S.C. 5325, and (3) may only be used for the purposes

1 identified under this heading in this Act, notwithstanding
2 any other provision of law: *Provided further*, That section
3 11008 of this Act shall not apply to tribal contracts en-
4 tered into by the Bureau of Indian Affairs with this appro-
5 priation: *Provided further*, That such amount is designated
6 by the Congress as being for an emergency requirement
7 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
8 et and Emergency Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 INSULAR AFFAIRS

11 ASSISTANCE TO TERRITORIES

12 For an additional amount for “Assistance to Terri-
13 tories”, \$1,000,000,000, to remain available until ex-
14 pended, to prevent, prepare for, and respond to
15 coronavirus, of which (1) \$945,000,000 is for Capital Im-
16 provement Project grants for hospitals and other critical
17 infrastructure; and (2) \$55,000,000 is for territorial as-
18 sistance, including general technical assistance: *Provided*,
19 That any appropriation for disaster assistance under this
20 heading in this Act or previous appropriations Acts may
21 be used as non-Federal matching funds for the purpose
22 of hazard mitigation grants provided pursuant to section
23 404 of the Robert T. Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C. 5170c): *Provided further*,
25 That amounts repurposed in this section that were pre-

1 viously designated by the Congress as an emergency re-
2 quirement pursuant to the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 are designated by the
4 Congress as an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985: *Provided further*, That
7 such amount is designated by the Congress as being for
8 an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF INSPECTOR GENERAL

12 SALARIES AND EXPENSES

13 For an additional amount for “Salaries and Ex-
14 penses” , \$5,000,000, to remain available until expended:
15 *Provided*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 ENVIRONMENTAL PROTECTION AGENCY

20 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

21 For an additional amount for “Environmental Pro-
22 grams and Management”, \$50,000,000, to remain avail-
23 able until September 30, 2021, for environmental justice
24 grants to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount shall be used to monitor or

1 study links between pollution exposure and the trans-
2 mission and health outcomes of coronavirus as described
3 in section 190702 of division S of this Act: *Provided fur-*
4 *ther*, That such amount is designated by the Congress as
5 being for an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for “Indian Health Serv-
14 ices”, \$2,100,000,000, to remain available until expended,
15 to prevent, prepare for, respond to, and provide health
16 services related to coronavirus, of which—

17 (1) \$1,000,000,000 shall be used to supplement
18 reduced third party revenue collections;

19 (2) \$500,000,000 shall be used for direct health
20 and telehealth services, including to purchase sup-
21 plies and personal protective equipment;

22 (3) \$140,000,000 shall be used to expand
23 broadband infrastructure and information tech-
24 nology for telehealth and electronic health record
25 system purposes;

1 (4) \$20,000,000 shall be used to address the
2 needs of domestic violence victims and homeless indi-
3 viduals and families;

4 (5) not less than \$64,000,000 shall be for
5 Urban Indian Organizations; and,

6 (6) not less than \$10,000,000 shall be used to
7 provide and deliver potable water:

8 *Provided*, That such funds shall be allocated at the discre-
9 tion of the Director of the Indian Health Service: *Provided*
10 *further*, That of the funds provided herein, not less than
11 \$366,000,000 shall be transferred to and merged with
12 “Indian Health Service—Indian Health Facilities” at the
13 discretion of the Director to modify existing health facili-
14 ties to provide isolation or quarantine space, to purchase
15 and install updated equipment necessary, and for mainte-
16 nance and improvement projects necessary to the purposes
17 specified in this Act: *Provided further*, That such amounts
18 may be used to supplement amounts otherwise available
19 for such purposes under “Indian Health Facilities”: *Pro-*
20 *vided further*, That such amounts, if transferred to Tribes
21 and Tribal organizations under the Indian Self-Deter-
22 mination and Education Assistance Act, will be trans-
23 ferred on a one-time basis and that these non-recurring
24 funds are not part of the amount required by 25 U.S.C.
25 5325, and that such amounts may only be used for the

1 purposes identified under this heading notwithstanding
2 any other provision of law: *Provided further*, That none
3 of the funds appropriated herein for telehealth broadband
4 activities shall be available for obligation until 3 days after
5 the Indian Health Service provides to the Committees on
6 Appropriations of the House of Representatives and the
7 Senate, a detailed spend plan that includes the cost, loca-
8 tion, and expected completion date of each activity: *Pro-*
9 *vided further*, That the Indian Health Service shall notify
10 the Committees on Appropriations of the House of Rep-
11 resentatives and the Senate quarterly on the obligations
12 and expenditures of the funds provided by this Act: *Pro-*
13 *vided further*, That section 11008 of this Act shall not
14 apply to tribal contracts entered into by the Bureau of
15 Indian Affairs with this appropriation: *Provided further*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

21 NATIONAL ENDOWMENT FOR THE ARTS

22 GRANTS AND ADMINISTRATION

23 For an additional amount for “Grants and Adminis-
24 tration”, \$10,000,000 to remain available until September
25 30, 2021, for grants to respond to the impacts of

1 coronavirus: *Provided*, That such funds are available
2 under the same terms and conditions as grant funding ap-
3 propriated to this heading in Public Law 116–94: *Pro-*
4 *vided further*, That 40 percent of such funds shall be dis-
5 tributed to State arts agencies and regional arts organiza-
6 tions and 60 percent of such funds shall be for direct
7 grants: *Provided further*, That notwithstanding any other
8 provision of law, such funds may also be used by the re-
9 cipients of such grants for purposes of the general oper-
10 ations of such recipients: *Provided further*, That the
11 matching requirements under subsections (e), (g)(4)(A),
12 and (p)(3) of section 5 of the National Foundation on the
13 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
14 be waived with respect to such grants: *Provided further*,
15 That such amount is designated by the Congress as being
16 for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 NATIONAL ENDOWMENT FOR THE HUMANITIES

20 GRANTS AND ADMINISTRATION

21 For an additional amount for “Grants and Adminis-
22 tration”, \$10,000,000 to remain available until September
23 30, 2021, for grants to respond to the impacts of
24 coronavirus: *Provided*, That such funds are available
25 under the same terms and conditions as grant funding ap-

1 appropriated to this heading in Public Law 116–94: *Pro-*
2 *vided further*, That 40 percent of such funds shall be dis-
3 tributed to state humanities councils and 60 percent of
4 such funds shall be for direct grants: *Provided further*,
5 That notwithstanding any other provision of law, such
6 funds may also be used by the recipients of such grants
7 for purposes of the general operations of such recipients:
8 *Provided further*, That the matching requirements under
9 subsection (h)(2)(A) of section 7 of the National Founda-
10 tion on the Arts and Humanities Act of 1965 may be
11 waived with respect to such grants: *Provided further*, That
12 such amount is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 TITLE VI—DEPARTMENTS OF LABOR, HEALTH
17 AND HUMAN SERVICES, AND EDUCATION,
18 AND RELATED AGENCIES

19 DEPARTMENT OF LABOR
20 EMPLOYMENT AND TRAINING ADMINISTRATION
21 TRAINING AND EMPLOYMENT SERVICES
22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Training and Employ-
24 ment Services”, \$2,040,000,000, to prevent, prepare for,
25 and respond to coronavirus, of which \$15,000,000 shall

1 be transferred to “Program Administration” to carry out
2 activities in this Act, Public Law 116–127 and Public Law
3 116–136 for full-time equivalent employees, information
4 technology upgrades needed to expedite payments and
5 support implementation, including to expedite policy guid-
6 ance and disbursement of funds, technical assistance and
7 other assistance to States and territories to speed payment
8 of Federal and State unemployment benefits, and of which
9 the remaining amounts shall be used to carry out activities
10 under the Workforce Innovation and Opportunity Act (re-
11 ferred to in this Act as “WIOA”) as follows:

12 (1) \$485,000,000 for grants to the States for
13 adult employment and training activities, including
14 incumbent worker trainings, transitional jobs, on-
15 the-job training, individualized career services, sup-
16 portive services, needs-related payments, and to fa-
17 cilitate remote access to training services provided
18 through a one-stop delivery system through the use
19 of technology, to remain available until June 30,
20 2021: *Provided*, That an adult shall not be required
21 to meet the requirements of section 134(c)(3)(B) of
22 the WIOA: *Provided further*, That an adult who
23 meets the requirements described in section
24 2102(a)(3)(A) of Public Law 116–136 may be eligi-
25 ble for participation: *Provided further*, That priority

1 may be given to individuals who are adversely im-
2 pacted by economic changes due to the coronavirus,
3 including individuals seeking employment, dislocated
4 workers, individuals with barriers to employment, in-
5 dividuals who are unemployed, or individuals who
6 are underemployed;

7 (2) \$518,000,000 for grants to the States for
8 youth activities, including supportive services, sum-
9 mer employment for youth, and to facilitate remote
10 access to training services provided through a one-
11 stop delivery system through the use of technology,
12 to remain available until June 30, 2021: *Provided*,
13 That individuals described in section 2102(a)(3)(A)
14 of Public Law 116–136 may be eligible for participa-
15 tion as an out-of-school youth if they meet the re-
16 quirements of clauses (i) and (ii) of section
17 129(a)(1)(B) or as in-school youth if they meet the
18 requirements of clauses (i) and (iii) of section
19 129(a)(1)(C) of the WIOA; *Provided further*, That
20 priority shall be given for out-of-school youth and
21 youth with multiple barriers to employment: *Pro-*
22 *vided further*, That funds shall support employer
23 partnerships for youth employment and subsidized
24 employment, and partnerships with community-
25 based organizations to support such employment;

1 (3) \$597,000,000 for grants to States for dis-
2 located worker employment and training activities,
3 including incumbent worker trainings, transitional
4 jobs, on-the-job training, individualized career serv-
5 ices, supportive services, needs-related payments,
6 and to facilitate remote access to training services
7 provided through a one-stop delivery system through
8 the use of technology, to remain available until June
9 30, 2021: *Provided*, That a dislocated worker shall
10 not be required to meet the requirements of section
11 134(c)(3)(B) of the WIOA: *Provided further*, That a
12 dislocated worker who meets the requirements de-
13 scribed in section 2102(a)(3)(A) of Public Law 116-
14 136 may be eligible for participation;

15 (4) \$400,000,000 for the dislocated workers as-
16 sistance national reserve to remain available until
17 September 30, 2023; and

18 (5) \$25,000,000 for migrant and seasonal
19 farmworker programs under section 167 of the
20 WIOA, including emergency supportive services, to
21 remain available until June 30, 2021, of which no
22 less than \$500,000 shall be for the collection and
23 dissemination of electronic and printed materials re-
24 lated to coronavirus to the migrant and seasonal

1 farmworker population nationwide, including Puerto
2 Rico, through a cooperative agreement;
3 *Provided*, That the impact of the COVID–19 national
4 emergency may be considered as an additional factor for
5 reimbursement for on-the-job training under section
6 134(c)(3)(H) of the WIOA and as a factor in determining
7 the employer’s portion of the costs of providing customized
8 training under section 3(14) of the WIOA: *Provided fur-*
9 *ther*, That notwithstanding section 134(d)(5) of the
10 WIOA, a local board may use 40 percent of funds received
11 under paragraphs (1) and (3) for transitional jobs: *Pro-*
12 *vided further*, That notwithstanding section 194(10) of the
13 WIOA, that funds used to support transitional jobs may
14 also be used to support public service employment: *Pro-*
15 *vided further*, That sections 127(b)(1)(C)(iv)(III),
16 132(b)(1)(B)(iv)(III), and 132(b)(2)(B)(iii)(II) shall not
17 apply to funds appropriated under this heading: *Provided*
18 *further*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

22 WAGE AND HOUR DIVISION
23 SALARIES AND EXPENSES

24 For an additional amount for “Wage and Hour Divi-
25 sion”, \$6,500,000, to remain available until September

1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, including for the administration, oversight,
3 and coordination of worker protection activities related
4 thereto: *Provided*, That the Secretary of Labor shall use
5 funds provided under this heading to support enforcement
6 activities and outreach efforts to make individuals, par-
7 ticularly low-wage workers, aware of their rights under di-
8 vision C and division E of Public Law 116–127: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
14 SALARIES AND EXPENSES

15 For an additional amount for “Occupational Safety
16 and Health Administration”, \$100,000,000, to remain
17 available until September 30, 2021, for worker protection
18 and enforcement activities to prevent, prepare for, and re-
19 spond to coronavirus, of which \$25,000,000 shall be for
20 Susan Harwood training grants and at least \$70,000,000
21 shall be to hire additional compliance safety and health
22 officers, and for state plan enforcement, to protect work-
23 ers from coronavirus by enforcing all applicable standards
24 and directives, including 29 CFR 1910.132, 29 CFR
25 1910.134, Section 5(a)(1) of the Occupational Safety and

1 Health Act of 1970, and 29 CFR 1910.1030: *Provided,*
2 That activities to protect workers from coronavirus sup-
3 ported by funds provided under this heading includes addi-
4 tional enforcement of standards and directives referenced
5 in the preceding proviso at slaughterhouses, poultry proc-
6 essing plants, and agricultural workplaces: *Provided fur-*
7 *ther,* That within 15 days of the date of enactment of this
8 Act, the Secretary of Labor shall submit a spending and
9 hiring plan for the funds made available under this head-
10 ing, and a monthly staffing report until all funds are ex-
11 pended, to the Committees on Appropriations of the
12 House of Representatives and the Senate: *Provided fur-*
13 *ther,* That within 15 days of the date of enactment of this
14 Act, the Secretary of Labor shall submit a plan for the
15 additional enforcement activities described in the third
16 proviso to the Committees on Appropriations of the House
17 of Representatives and the Senate: *Provided further,* That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of Inspector
24 General”, \$5,000,000, to remain available until expended,
25 to prevent, prepare for, and respond to coronavirus. *Pro-*

1 *vided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 ADMINISTRATIVE PROVISION—DEPARTMENT OF LABOR

6 SEC. 10601. There is hereby appropriated for fiscal
7 year 2021 for “Department of Labor—Employment
8 Training Administration—State Unemployment Insur-
9 ance and Employment Service Operations”, \$28,600,000,
10 to be expended from the Employment Security Adminis-
11 tration Account in the Unemployment Trust Fund (“the
12 Trust Fund”) to carry out title III of the Social Security
13 Act: *Provided*, That such amount shall only become avail-
14 able for obligation if the Average Weekly Insured Unem-
15 ployment (“AWIU”) for fiscal year 2021 is projected, by
16 the Department of Labor during fiscal year 2021 to ex-
17 ceed 1,728,000: *Provided further*, That to the extent that
18 the AWIU for fiscal year 2021 is projected by the Depart-
19 ment of Labor to exceed 1,728,000, an additional
20 \$28,600,000 from the Trust Fund shall be made available
21 for obligation during fiscal year 2021 for every 100,000
22 increase in the AWIU level (including a pro rata amount
23 for any increment less than 100,000): *Provided further*,
24 That, except as specified in this section, amounts provided
25 herein shall be available under the same authority and

1 conditions applicable to funds provided to carry out title
2 III of the Social Security Act under the heading “Depart-
3 ment of Labor—Employment Training Administration—
4 State Unemployment Insurance and Employment Service
5 Operations” in division A of Public Law 116–94: *Provided*
6 *further*, That such amounts shall be in addition to any
7 other funds made available in any fiscal year for such pur-
8 poses: *Provided further*, That such amount is designated
9 by the Congress as being for an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985.

12 DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES

14 HEALTH RESOURCES AND SERVICES ADMINISTRATION

15 PRIMARY HEALTH CARE

16 For an additional amount for “Primary Health
17 Care”, \$7,600,000,000, to remain available until Sep-
18 tember 30, 2025, for necessary expenses to prevent, pre-
19 pare for, and respond to coronavirus, for grants and coop-
20 erative agreements under the Health Centers Program, as
21 defined by section 330 of the Public Health Service Act,
22 and for grants to Federally qualified health centers, as
23 defined in section 1861(aa)(4)(B) of the Social Security
24 Act, and for eligible entities under the Native Hawaiian
25 Health Care Improvement Act, including maintenance or

1 expansion of health center and system capacity and staff-
2 ing levels: *Provided*, That sections 330(r)(2)(B),
3 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) shall not apply to
4 funds provided under this heading in this Act: *Provided*
5 *further*, That funds provided under this heading in this
6 Act may be used to (1) purchase equipment and supplies
7 to conduct mobile testing for SARS-CoV-2 or COVID-
8 19; (2) purchase and maintain mobile vehicles and equip-
9 ment to conduct such testing; and (3) hire and train lab-
10 oratory personnel and other staff to conduct such mobile
11 testing: *Provided further*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985.

15 RYAN WHITE HIV/AIDS PROGRAM

16 For an additional amount for “Ryan White HIV/
17 AIDS Program”, \$10,000,000, to remain available until
18 September 30, 2022, to prevent, prepare for, and respond
19 to coronavirus: *Provided*, That awards from funds pro-
20 vided under this heading in this Act shall be through
21 modifications to existing contracts and supplements to ex-
22 isting grants and cooperative agreements under parts A,
23 B, C, D, F, and section 2692(a) of title XXVI of the Pub-
24 lic Health Service Act: *Provided further*, That such supple-
25 ments shall be awarded using a data-driven methodology

1 determined by the Secretary of Health and Human Serv-
2 ices: *Provided further*, That sections 2604(c), 2612(b), and
3 2651(c) of the Public Health Service Act shall not apply
4 to funds provided under this heading in this Act: *Provided*
5 *further*, That the Secretary may waive any penalties and
6 administrative requirements as necessary to ensure that
7 the funds may be used efficiently: *Provided further*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 CENTERS FOR DISEASE CONTROL AND PREVENTION

13 CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

14 For an additional amount for “CDC–Wide Activities
15 and Program Support”, \$2,130,000,000, to remain avail-
16 able until September 30, 2024, to prevent, prepare for,
17 and respond to coronavirus, domestically or internation-
18 ally: *Provided*, That of the amount provided under this
19 heading in this Act, \$1,000,000,000 shall be for Public
20 Health Emergency Preparedness cooperative agreements
21 under section 319C–1 of the Public Health Service Act:
22 *Provided further*, That, of the amount provided under this
23 heading in this Act, \$1,000,000,000 shall be for necessary
24 expenses for grants for core public health infrastructure
25 for State, local, Territorial, or Tribal health departments

1 as described in section 30550 of division C of this Act:
2 *Provided further*, That of the amount made available
3 under this heading in this Act for specified programs, not
4 less than \$100,000,000 shall be allocated to tribes, tribal
5 organizations, urban Indian health organizations, or
6 health service providers to tribes: *Provided further*, That
7 of the amount provided under this heading in this Act,
8 \$130,000,000 shall be for public health data surveillance
9 and analytics infrastructure modernization: *Provided fur-*
10 *ther*, That funds appropriated under this heading in this
11 Act for grants may be used for the rent, lease, purchase,
12 acquisition, construction, alteration, or renovation of non-
13 Federally owned facilities to improve preparedness and re-
14 sponse capability at the State and local level: *Provided fur-*
15 *ther*, That all construction, alteration, or renovation work,
16 carried out, in whole or in part, with funds appropriated
17 under this heading in this Act, or under this heading in
18 the CARES ACT (P.L. 116–136), shall be subject to the
19 requirements of 42 U.S.C. 300s-1(b)(1)(I): *Provided fur-*
20 *ther*, That such amount is designated by the Congress as
21 being for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

3 DISEASES

4 For an additional amount for “National Institute of
5 Allergy and Infectious Diseases”, \$500,000,000, to re-
6 main available until September 30, 2024, to prevent, pre-
7 pare for, and respond to coronavirus: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 NATIONAL INSTITUTE OF MENTAL HEALTH

13 For an additional amount for “National Institute of
14 Mental Health”, \$200,000,000, to remain available until
15 September 30, 2024, to prevent, prepare for, and respond
16 to coronavirus: *Provided*, That such amount is designated
17 by the Congress as being for an emergency requirement
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
19 et and Emergency Deficit Control Act of 1985.

20 OFFICE OF THE DIRECTOR

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Office of the Direc-
23 tor”, \$4,021,000,000, to remain available until September
24 30, 2024, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally: *Provided*.

1 That not less than \$3,000,000,000 of the amount provided
2 under this heading in this Act shall be for offsetting the
3 costs related to reductions in lab productivity resulting
4 from the coronavirus pandemic or public health measures
5 related to the coronavirus pandemic: *Provided further*,
6 That up to \$1,021,000,000 of the amount provided under
7 this heading in this Act shall be to support additional sci-
8 entific research or the programs and platforms that sup-
9 port research: *Provided further*, That funds made available
10 under this heading in this Act may be transferred to the
11 accounts of the Institutes and Centers of the National In-
12 stitutes of Health (“NIH”): *Provided further*, That this
13 transfer authority is in addition to any other transfer au-
14 thority available to the NIH: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

20 ADMINISTRATION

21 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

22 For an additional amount for “Health Surveillance
23 and Program Support”, \$3,000,000,000, to remain avail-
24 able until September 30, 2021, to prevent, prepare for,
25 and respond to coronavirus: *Provided*, That of the funds

1 made available under this heading in this Act,
2 \$1,500,000,000 shall be for grants for the substance
3 abuse prevention and treatment block grant program
4 under subpart II of part B of title XIX of the Public
5 Health Service Act (“PHS Act”): *Provided further*, That
6 of the funds made available under this heading in this Act,
7 \$1,000,000,000 shall be for grants for the community
8 mental health services block grant program under subpart
9 I of part B of title XIX of the PHS Act: *Provided further*,
10 That of the funds made available under this heading in
11 this Act, \$100,000,000 shall be for services to the home-
12 less population: *Provided further*, That of the funds made
13 available under this heading in this Act, \$100,000,000
14 shall be for activities and services under Project AWARE:
15 *Provided further*, That of the funds made available under
16 this heading in this Act, \$10,000,000 shall be for the Na-
17 tional Child Traumatic Stress Network: *Provided further*,
18 That of the amount made available under this heading in
19 this Act, \$265,000,000 is available for activities author-
20 ized under section 501(o) of the Public Health Service
21 Act: *Provided further*, That of the amount made available
22 under this heading in this Act, \$25,000,000 shall be for
23 the Suicide Lifeline and Disaster Distress Helpline: *Pro-*
24 *vided further*, That of the amount made available under
25 this heading in this Act for specified programs, not less

1 than \$150,000,000 shall be allocated to tribes, tribal orga-
2 nizations, urban Indian health organizations, or health or
3 behavioral health service providers to tribes: *Provided fur-*
4 *ther*, That the Substance Abuse and Mental Health Serv-
5 ices Administration has flexibility to amend allowable ac-
6 tivities, timelines, and reporting requirements for the Sub-
7 stance Abuse Prevention and Treatment Block Grant and
8 the Community Mental Health Services Block Grant pur-
9 suant to the public health emergency declaration: *Provided*
10 *further*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 CENTERS FOR MEDICARE & MEDICAID SERVICES

15 PROGRAM MANAGEMENT

16 For an additional amount for “Program Manage-
17 ment”, \$150,000,000, to remain available through Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, for State strike teams for resident and em-
20 ployee safety in skilled nursing facilities and nursing facili-
21 ties, including activities to support clinical care, infection
22 control, and staffing: *Provided*, That such amount is des-
23 igned by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 LOW INCOME HOME ENERGY ASSISTANCE

3 For an additional amount for “Low Income Home
4 Energy Assistance”, \$1,500,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, for making payments under sub-
7 section (b) of section 2602 of the Low-Income Home En-
8 ergy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Pro-*
9 *vided*, That of the amount provided under this heading
10 in this Act, \$750,000,000 shall be allocated as though the
11 total appropriation for such payments for fiscal year 2020
12 was less than \$1,975,000,000: *Provided further*, That each
13 grantee that receives an allotment of funds made available
14 under this heading in this Act shall, for purposes of in-
15 come eligibility, deem to be eligible any household that
16 documents job loss or severe income loss dated after Feb-
17 ruary 29, 2020, such as a layoff or furlough notice or
18 verification of application for unemployment benefits: *Pro-*
19 *vided further*, That the limitation in section 2605(b)(9)(A)
20 of the Low-Income Home Energy Assistance Act of 1981,
21 regarding planning and administering the use of funds,
22 shall apply to funds provided under this heading in this
23 Act by substituting “12.5 percent” for “10 percent”: *Pro-*
24 *vided further*, That section 2607(b)(2)(B) of such Act (42
25 U.S.C. 8626(b)(2)(B)) shall not apply to funds made

1 available under this heading in this Act: *Provided further*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 PAYMENTS TO STATES FOR THE CHILD CARE AND
7 DEVELOPMENT BLOCK GRANT

8 For an additional amount for “Payments to States
9 for the Child Care and Development Block Grant”,
10 \$7,000,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 including for Federal administrative expenses, which shall
13 be used to supplement, not supplant State, Territory, and
14 Tribal general revenue funds for child care assistance for
15 low-income families within the United States (including
16 territories) without regard to requirements in sections
17 658E(c)(3)(D)–(E) or section 658G of the Child Care and
18 Development Block Grant Act: *Provided*, That funds pro-
19 vided under this heading in this Act may be used for costs
20 of providing relief from copayments and tuition payments
21 for families and for paying that portion of the child care
22 provider’s cost ordinarily paid through family copayments,
23 to provide continued payments and assistance to child care
24 providers in the case of decreased enrollment or closures
25 related to coronavirus, and to ensure child care providers

1 are able to remain open or reopen as appropriate and ap-
2 plicable: *Provided further*, That States, Territories, and
3 Tribes are encouraged to place conditions on payments to
4 child care providers that ensure that child care providers
5 use a portion of funds received to continue to pay the sala-
6 ries and wages of staff: *Provided further*, That lead agen-
7 cies shall, for the duration of the COVID–19 public health
8 emergency, implement enrollment and eligibility policies
9 that support the fixed costs of providing child care services
10 by delinking provider reimbursement rates from an eligible
11 child’s absence and a provider’s closure due to the
12 COVID–19 public health emergency: *Provided further*,
13 That the Secretary shall remind States that CCDBG State
14 plans do not need to be amended prior to utilizing existing
15 authorities in the Child Care and Development Block
16 Grant Act for the purposes provided herein: *Provided fur-*
17 *ther*, That States, Territories, and Tribes are authorized
18 to use funds appropriated under this heading in this Act
19 to provide child care assistance to health care sector em-
20 ployees, emergency responders, sanitation workers, farm-
21 workers, and other workers deemed essential during the
22 response to coronavirus by public officials, without regard
23 to the income eligibility requirements of section 658P(4)
24 of such Act: *Provided further*, That funds appropriated
25 under this heading in this Act shall be available to eligible

1 child care providers under section 658P(6) of the CCDBG
2 Act, even if such providers were not receiving CCDBG as-
3 sistance prior to the public health emergency as a result
4 of the coronavirus, for the purposes of cleaning and sani-
5 tation, and other activities necessary to maintain or re-
6 sume the operation of programs: *Provided further*, That
7 no later than 60 days after the date of enactment of this
8 Act, each State, Territory, and Tribe that receives funding
9 under this heading in this Act shall submit to the Sec-
10 retary a report, in such manner as the Secretary may re-
11 quire, describing how the funds appropriated under this
12 heading in this Act will be spent and that no later than
13 90 days after the date of enactment of this Act, the Sec-
14 retary shall submit to the Committees on Appropriations
15 of the House of Representatives and the Senate, the Com-
16 mittee on Education and Labor of the House of Rep-
17 resentatives, and the Committee on Health, Education,
18 Labor, and Pensions of the Senate a report summarizing
19 such reports from the States, Territories, and Tribes: *Pro-*
20 *vided further*, That no later than October 31, 2021, each
21 State, Territory, and Tribe that receives funding under
22 this heading in this Act shall submit to the Secretary a
23 report, in such manner as the Secretary may require, de-
24 scribing how the funds appropriated under this heading
25 in this Act were spent and that no later than 60 days

1 after receiving such reports from the States, Territories,
2 and Tribes, the Secretary shall submit to the Committees
3 on Appropriations of the House of Representatives and the
4 Senate, the Committee on Education and Labor of the
5 House of Representatives, and the Committee on Health,
6 Education, Labor, and Pensions of the Senate a report
7 summarizing such reports from the States, Territories,
8 and Tribes: *Provided further*, That payments made under
9 this heading in this Act may be obligated in this fiscal
10 year or the succeeding two fiscal years: *Provided further*,
11 That funds appropriated under this heading in this Act
12 may be made available to restore amounts, either directly
13 or through reimbursement, for obligations incurred to pre-
14 vent, prepare for, and respond to coronavirus, prior to the
15 date of enactment of this Act: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 CHILDREN AND FAMILIES SERVICES PROGRAMS

21 For an additional amount for “Children and Families
22 Services Programs”, \$1,590,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, which shall be used as follows:

1 (1) \$50,000,000 for Family Violence Prevention
2 and Services grants as authorized by section 303(a)
3 and 303(b) of the Family Violence Prevention and
4 Services Act with such funds available to grantees
5 without regard to matching requirements under sec-
6 tion 306(c)(4) of such Act, of which \$2,000,000
7 shall be for the National Domestic Violence Hotline:
8 *Provided*, That the Secretary of Health and Human
9 Services may make such funds available for pro-
10 viding temporary housing and assistance to victims
11 of family, domestic, and dating violence;

12 (2) \$20,000,000 for necessary expenses for
13 community-based grants for the prevention of child
14 abuse and neglect under section 209 of the Child
15 Abuse Prevention and Treatment Act, which the
16 Secretary shall make without regard to sections
17 203(b)(1) and 204(4) of such Act; and

18 (3) \$20,000,000 for necessary expenses for the
19 Child Abuse Prevention and Treatment Act State
20 Grant program as authorized by Section 112 of such
21 Act;

22 (4) \$1,500,000,000 for necessary expenses for
23 grants to carry out the Low-Income Household
24 Drinking Water and Wastewater Assistance pro-

1 gram, as described in section 190703 of division S
2 of this Act.

3 *Provided*, That funds made available under this heading
4 in this Act may be used for the purposes provided herein
5 to reimburse costs incurred between January 20, 2020,
6 and the date of award: *Provided further*, That funds ap-
7 propriated by the CARES Act (P.L.116–136) to carry out
8 the Community Services Block Grant Act (42 U.S.C. 9901
9 et seq.) and received by a State shall be made available
10 to eligible entities (as defined in section 673(1)(A) of such
11 Act (42 U.S.C. 9902(1)(A)) not later than either 30 days
12 after such State receives such funds or 30 days after the
13 date of the enactment of this Act, whichever occurs later:
14 *Provided further*, That such amount is designated by the
15 Congress as being for an emergency requirement pursuant
16 to section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 ADMINISTRATION FOR COMMUNITY LIVING

19 AGING AND DISABILITY SERVICES PROGRAMS

20 For an additional amount for “Aging and Disability
21 Services Programs”, \$100,000,000, to remain available
22 until September 30, 2021, to prevent, prepare for, and re-
23 spond to the coronavirus: *Provided*, That of the amount
24 made available under this heading in this Act,
25 \$85,000,000 shall be for activities authorized under the

1 Older Americans Act of 1965 (“OAA”) and activities au-
2 thorized under part B of title XX of the Social Security
3 Act, including \$20,000,000 for supportive services under
4 part B of title III; \$19,000,000 for nutrition services
5 under subparts 1 and 2 of part C of title III; \$1,000,000
6 for nutrition services under title VI; \$20,000,000 for sup-
7 portive services for family caregivers under part E of title
8 III; \$10,000,000 for evidence-based health promotion and
9 disease prevention services under part D of title III;
10 \$10,000,000 for elder rights protection activities, includ-
11 ing the long-term ombudsman program under title VI; and
12 \$5,000,000 shall be for grants to States to support the
13 network of statewide senior legal services, including exist-
14 ing senior legal hotlines, efforts to expand such hotlines
15 to all interested States, and legal assistance to providers,
16 in order to ensure seniors have access to legal assistance,
17 with such fund allotted to States consistent with para-
18 graphs (1) through (3) of section 304(a) of the OAA: *Pro-*
19 *vided further*, That State matching requirements under
20 sections 304(d)(1)(D) and 373(g)(2) of the OAA shall not
21 apply to funds made available under this heading: *Pro-*
22 *vided further*, That of the amount made available under
23 this heading in this Act, \$10,000,000 shall be for activities
24 authorized in the Developmental Disabilities Assistance
25 and Bill of Rights Act of 2000: *Provided further*, That

1 of the amount made available under this heading in this
2 Act, \$5,000,000 shall be for activities authorized in the
3 Assistive Technology Act of 2004: *Provided further*, That
4 of the amount made available in the preceding proviso,
5 \$5,000,000 shall be for the purchase of equipment to allow
6 interpreters to provide appropriate and essential services
7 to the hearing-impaired community: *Provided further*,
8 That for the purposes of the funding provided in the pre-
9 ceding proviso, during the emergency period described in
10 section 1135(g)(1)(B) of the Social Security Act, for pur-
11 poses of section 4(e)(2)(A) of the Assistive Technology Act
12 of 2004, the term “targeted individuals and entities” (as
13 that term is defined in section 3(16) of the Assistive Tech-
14 nology Act of 2004) shall be deemed to include American
15 Sign Language certified interpreters who are providing in-
16 terpretation services remotely for individuals with disabil-
17 ities: *Provided further*, That during such emergency pe-
18 riod, for the purposes of the previous two provisos, to fa-
19 cilitate the ability of individuals with disabilities to remain
20 in their homes and practice social distancing, the Sec-
21 retary shall waive the prohibitions on the use of grant
22 funds for direct payment for an assistive technology device
23 for an individual with a disability under sections
24 4(e)(2)(A) and 4(e)(5) of such Act: *Provided further*, That
25 such amount is designated by the Congress as being for

1 an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND

7 For an additional amount for “Public Health and So-
8 cial Services Emergency Fund”, \$4,575,000,000, to re-
9 main available until September 30, 2024, to prevent, pre-
10 pare for, and respond to coronavirus, domestically or
11 internationally, including the development of necessary
12 countermeasures and vaccines, prioritizing platform-based
13 technologies with U.S.-based manufacturing capabilities,
14 the purchase of vaccines, therapeutics, diagnostics, nec-
15 essary medical supplies, as well as medical surge capacity,
16 addressing blood supply chain, workforce modernization,
17 telehealth access and infrastructure, initial advanced man-
18 ufacturing, novel dispensing, enhancements to the U.S.
19 Commissioned Corps, and other preparedness and re-
20 sponse activities: *Provided*, That funds appropriated under
21 this paragraph in this Act may be used to develop and
22 demonstrate innovations and enhancements to manufac-
23 turing platforms to support such capabilities: *Provided*
24 *further*, That the Secretary of Health and Human Services
25 shall purchase vaccines developed using funds made avail-

1 able under this paragraph in this Act to respond to an
2 outbreak or pandemic related to coronavirus in quantities
3 determined by the Secretary to be adequate to address the
4 public health need: *Provided further*, That products pur-
5 chased by the Federal government with funds made avail-
6 able under this paragraph in this Act, including vaccines,
7 therapeutics, and diagnostics, shall be purchased in ac-
8 cordance with Federal Acquisition Regulation guidance on
9 fair and reasonable pricing: *Provided further*, That the
10 Secretary may take such measures authorized under cur-
11 rent law to ensure that vaccines, therapeutics, and
12 diagnostics developed from funds provided in this Act will
13 be affordable in the commercial market: *Provided further*,
14 That in carrying out the previous proviso, the Secretary
15 shall not take actions that delay the development of such
16 products: *Provided further*, That products purchased with
17 funds appropriated under this paragraph in this Act may,
18 at the discretion of the Secretary of Health and Human
19 Services, be deposited in the Strategic National Stockpile
20 under section 319F-2 of the Public Health Service Act:
21 *Provided further*, That funds appropriated under this
22 paragraph in this Act may be transferred to, and merged
23 with, the fund authorized by section 319F-4, the Covered
24 Countermeasure Process Fund, of the Public Health Serv-
25 ice Act: *Provided further*, That of the amount made avail-

1 able under this paragraph in this Act, \$3,500,000,000
2 shall be available to the Biomedical Advanced Research
3 and Development Authority for necessary expenses of ad-
4 vanced research, development, manufacturing, production,
5 and purchase of vaccines and therapeutics: *Provided fur-*
6 *ther*, That of the amount made available under this para-
7 graph in this Act, \$500,000,000 shall be available to the
8 Biomedical Advanced Research and Development Author-
9 ity for the construction, renovation, or equipping of U.S.-
10 based next generation manufacturing facilities, other than
11 facilities owned by the United States Government: *Pro-*
12 *vided further*, That of the amount made available under
13 this paragraph in this Act, \$500,000,000 shall be available
14 to the Biomedical Advanced Research and Development
15 Authority to promote innovation in antibacterial research
16 and development: *Provided further*, That funds made
17 available under this paragraph in this Act may be used
18 for grants for the rent, lease, purchase, acquisition, con-
19 struction, alteration, or renovation of non-Federally owned
20 facilities to improve preparedness and response capability
21 at the State and local level: *Provided further*, That funds
22 appropriated under this paragraph in this Act may be
23 used for the construction, alteration, renovation or equip-
24 ping of non-Federally owned facilities for the production
25 of vaccines, therapeutics, diagnostics, and medicines and

1 other items purchased under section 319F–2(a) of the
2 Public Health Service Act where the Secretary determines
3 that such a contract is necessary to assure sufficient do-
4 mestic production of such supplies: *Provided further*, That
5 all construction, alteration, or renovation work, carried
6 out, in whole or in part, with fund appropriated under this
7 heading in this Act, the CARES Act (P.L. 116–136), or
8 the Paycheck Protection Program and Health Care En-
9 hancement Act (P.L. 116–139), shall be subject to the re-
10 quirements of 42 U.S.C. 300s-1(b)(1)(I): *Provided further*,
11 That not later than seven days after the date of enactment
12 of this Act, and weekly thereafter until the public health
13 emergency related to coronavirus is no longer in effect,
14 the Secretary shall report to the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 on the current inventory of ventilators and personal pro-
17 tective equipment in the Strategic National Stockpile, in-
18 cluding the numbers of face shields, gloves, goggles and
19 glasses, gowns, head covers, masks, and respirators, as
20 well as deployment of ventilators and personal protective
21 equipment during the previous week, reported by state and
22 other jurisdiction: *Provided further*, That after the date
23 that a report is required to be submitted by the preceding
24 proviso, amounts made available for “Department of
25 Health and Human Services—Office of the Secretary—

1 General Departmental Management” in Public Law 116–
2 94 for salaries and expenses of the Immediate Office of
3 the Secretary shall be reduced by \$250,000 for each day
4 that such report has not been submitted: *Provided further*,
5 That not later than the first Monday in February of fiscal
6 year 2021 and each fiscal year thereafter, the Secretary
7 shall include in the annual budget submission for the De-
8 partment, and submit to the Congress, the Secretary’s re-
9 quest with respect to expenditures necessary to maintain
10 the minimum level of relevant supplies in the Strategic
11 National Stockpile, including in case of a significant pan-
12 demic, in consultation with the working group under sec-
13 tion 319F(a) of the Public Health Service Act and the
14 Public Health Emergency Medical Countermeasures En-
15 terprise established under section 2811–1 of such Act:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 For an additional amount for “Public Health and So-
21 cial Services Emergency Fund”, \$100,000,000,000, to re-
22 main available until expended, to prevent, prepare for, and
23 respond to coronavirus, for necessary expenses to make
24 payments under the Health Care Provider Relief Fund as
25 described in section 30611 of division C of this Act: *Pro-*

1 *vided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 For an additional amount for “Public Health and So-
6 cial Services Emergency Fund”, \$75,000,000,000, to re-
7 main available until expended, to prevent, prepare for, and
8 respond to coronavirus, for necessary expenses to carry
9 out the COVID-19 National Testing and Contact Tracing
10 Initiative, as described in subtitle D of division C of this
11 Act: *Provided*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 DEPARTMENT OF EDUCATION

16 STATE FISCAL STABILIZATION FUND

17 For an additional amount for “State Fiscal Stabiliza-
18 tion Fund”, \$90,000,000,000, to remain available until
19 September 30, 2022, to prevent, prepare for, and respond
20 to coronavirus: *Provided*, That the Secretary of Education
21 (referred to under this heading as “Secretary”) shall make
22 grants to the Governor of each State for support of ele-
23 mentary, secondary, and postsecondary education and, as
24 applicable, early childhood education programs and serv-
25 ices: *Provided further*, That of the amount made available,

1 the Secretary shall first allocate up to one-half of 1 per-
2 cent to the outlying areas and one-half of 1 percent to
3 the Bureau of Indian Education (“BIE”) for activities
4 consistent with this heading under such terms and condi-
5 tions as the Secretary may determine: *Provided further*,
6 That the Secretary may reserve up to \$30,000,000 for ad-
7 ministration and oversight of the activities under this
8 heading: *Provided further*, That the Secretary shall allo-
9 cate 61 percent of the remaining funds made available to
10 carry out this heading to the States on the basis of their
11 relative population of individuals aged 5 through 24 and
12 allocate 39 percent on the basis of their relative number
13 of children counted under section 1124(c) of the Elemen-
14 tary and Secondary Education Act of 1965 (referred to
15 under this heading as “ESEA”) as State grants: *Provided*
16 *further*, That State grants shall support statewide elemen-
17 tary, secondary, and postsecondary activities; subgrants to
18 local educational agencies; and, subgrants to public insti-
19 tutions of higher education: *Provided further*, That States
20 shall allocate 65 percent of the funds received under the
21 sixth proviso as subgrants to local educational agencies in
22 proportion to the amount of funds such local educational
23 agencies received under part A of title I of the ESEA in
24 the most recent fiscal year: *Provided further*, That States
25 shall allocate 30 percent of the funds received under the

1 sixth proviso as subgrants to public institutions of higher
2 education, of which 75 percent shall be apportioned ac-
3 cording to the relative share of students who received Pell
4 Grants who are not exclusively enrolled in distance edu-
5 cation courses prior to the coronavirus emergency at the
6 institution in the previous award year and 25 percent shall
7 be apportioned according to the total enrollment of stu-
8 dents at the institution who are not exclusively enrolled
9 in distance education courses prior to the coronavirus
10 emergency at the institution in the previous award year:
11 *Provided further*, That the Governor shall return to the
12 Secretary any funds received that the Governor does not
13 award to local educational agencies and public institutions
14 of higher education or otherwise commit within two years
15 of receiving such funds, and the Secretary shall reallocate
16 such funds to the remaining States in accordance with the
17 sixth proviso: *Provided further*, That Governors shall use
18 State grants and subgrants to maintain or restore State
19 and local fiscal support for elementary, secondary and
20 postsecondary education: *Provided further*, That funds for
21 local educational agencies may be used for any activity au-
22 thorized by the ESEA, including the Native Hawaiian
23 Education Act and the Alaska Native Educational Equity,
24 Support, and Assistance Act, the Individuals with Disabil-
25 ities Education Act (“IDEA”), subtitle B of title VII of

1 the McKinney-Vento Homeless Assistance Act , the Adult
2 Education and Family Literacy Act or the Carl D. Perkins
3 Career and Technical Education Act of 2006 (“the Per-
4 kins Act”): *Provided further*, That a State or local edu-
5 cational agency receiving funds under this heading may
6 use the funds for activities coordinated with State, local,
7 tribal, and territorial public health departments to detect,
8 prevent, or mitigate the spread of infectious disease or
9 otherwise respond to coronavirus; support online learning
10 by purchasing educational technology and internet access
11 for students, which may include assistive technology or
12 adaptive equipment, that aids in regular and substantive
13 educational interactions between students and their class-
14 room instructor; provide ongoing professional development
15 to staff in how to effectively provide quality online aca-
16 demic instruction; provide assistance for children and fam-
17 ilies to promote equitable participation in quality online
18 learning; plan and implement activities related to summer
19 learning, including providing classroom instruction or
20 quality online learning during the summer months; plan
21 for and coordinate during long-term closures, provide tech-
22 nology for quality online learning to all students, and how
23 to support the needs of low-income students, racial and
24 ethnic minorities, students with disabilities, English learn-
25 ers, students experiencing homelessness, and children in

1 foster care, including how to address learning gaps that
2 are created or exacerbated due to long-term closures; sup-
3 port the continuity of student engagement through social
4 and emotional learning; and other activities that are nec-
5 essary to maintain the operation of and continuity of serv-
6 ices in local educational agencies, including maintaining
7 employment of existing personnel, and reimbursement for
8 eligible costs incurred during the national emergency: *Pro-*
9 *vided further*, That a public institution of higher education
10 that receives funds under this heading shall use funds for
11 education and general expenditures (including defraying
12 expenses due to lost revenue, reimbursement for expenses
13 already incurred, and payroll) and grants to students for
14 expenses directly related to coronavirus and the disruption
15 of campus operations (which may include emergency fi-
16 nancial aid to students for food, housing, technology,
17 health care, and child care costs that shall not be required
18 to be repaid by such students) or for the acquisition of
19 technology and services directly related to the need for dis-
20 tance education and the training of faculty and staff to
21 use such technology and services: *Provided further*, That
22 priority shall be given to under-resourced institutions, in-
23 stitutions with high burden due to the coronavirus, and
24 institutions who did not possess distance education capa-
25 bilities prior to the coronavirus emergency: *Provided fur-*

1 *ther*, That any institution of higher education that is not
2 otherwise eligible for a grant of at least \$1,000,000 under
3 this heading shall be eligible to receive an amount equal
4 to whichever is lesser of the total loss of revenue and in-
5 creased costs associated with the coronavirus or
6 \$1,000,000: *Provided further*, That an institution of high-
7 er education may not use funds received under this head-
8 ing to increase its endowment or provide funding for cap-
9 ital outlays associated with facilities related to athletics,
10 sectarian instruction, or religious worship: *Provided fur-*
11 *ther*, That funds may be used to support hourly workers,
12 such as education support professionals, classified school
13 employees, and adjunct and contingent faculty: *Provided*
14 *further*, That a Governor of a State desiring to receive an
15 allocation under this heading shall submit an application
16 at such time, in such manner, and containing such infor-
17 mation as the Secretary may reasonably require: *Provided*
18 *further*, That the Secretary shall issue a notice inviting
19 applications not later than 15 days after the date of enact-
20 ment of this Act: *Provided further*, That any State receiv-
21 ing funding under this heading shall maintain its percent
22 of total spending on elementary, secondary, and postsec-
23 ondary education in fiscal year 2019 for fiscal years 2020,
24 2021, and 2022: *Provided further*, That a State's applica-
25 tion shall include assurances that the State will maintain

1 support for elementary and secondary education in fiscal
2 year 2020, fiscal year 2021, and fiscal year 2022 at least
3 at the level of such support that is the average of such
4 State's support for elementary and secondary education
5 in the 3 fiscal years preceding the date of enactment of
6 this Act: *Provided further*, That a State's application shall
7 include assurances that the State will maintain State sup-
8 port for higher education (not including support for cap-
9 ital projects or for research and development or tuition
10 and fees paid by students) in fiscal year 2020, fiscal year
11 2021, and fiscal year 2022 at least at the level of such
12 support that is the average of such State's support for
13 higher education (which shall include State and local gov-
14 ernment funding to institutions of higher education and
15 state need-based financial aid) in the 3 fiscal years pre-
16 ceding the date of enactment of this Act, and that any
17 such State's support for higher education funding, as cal-
18 culated as spending for public higher education per full-
19 time equivalent student, shall be the same in fiscal year
20 2022 as it was in fiscal year 2019: *Provided further*, That
21 in such application, the Governor shall provide baseline
22 data that demonstrates the State's current status in each
23 of the areas described in such assurances in the preceding
24 provisos: *Provided further*, That a State's application shall
25 include assurances that the State will not construe any

1 provisions under this heading as displacing any otherwise
2 applicable provision of any collective-bargaining agreement
3 between an eligible entity and a labor organization as de-
4 fined by section 2(5) of the National Labor Relations Act
5 (29 U.S.C. 152(5)) or analogous State law: *Provided fur-*
6 *ther*, That a State’s application shall include assurances
7 that the State shall maintain the wages, benefits, and
8 other terms and conditions of employment set forth in any
9 collective-bargaining agreement between the eligible entity
10 and a labor organization, as defined in the preceding pro-
11 viso: *Provided further*, That a State’s application shall in-
12 clude assurances that all students with disabilities are af-
13 forced their full rights under IDEA, including all rights
14 and services outlined in individualized education programs
15 (“IEPs”): *Provided further*, That a State receiving funds
16 under this heading shall submit a report to the Secretary,
17 at such time and in such manner as the Secretary may
18 require, that describes the use of funds provided under
19 this heading: *Provided further*, That no recipient of funds
20 under this heading shall use funds to provide financial as-
21 sistance to students to attend private elementary or sec-
22 ondary schools, unless such funds are used to provide spe-
23 cial education and related services to children with disabil-
24 ities whose IEPs require such placement, and where the
25 school district maintains responsibility for providing such

1 children a free appropriate public education, as authorized
2 by IDEA: *Provided further*, That a local educational agen-
3 cy, State, institution of higher education, or other entity
4 that receives funds under “State Fiscal Stabilization
5 Fund”, shall to the greatest extent practicable, continue
6 to pay its employees and contractors during the period of
7 any disruptions or closures related to coronavirus: *Pro-*
8 *vided further*, That the terms “elementary education” and
9 “secondary education” have the meaning given such terms
10 under State law: *Provided further*, That the term “institu-
11 tion of higher education” has the meaning given such term
12 in section 101 of the Higher Education Act of 1965: *Pro-*
13 *vided further*, That the term “fiscal year” shall have the
14 meaning given such term under State law: *Provided fur-*
15 *ther*, That the term “State” means each of the 50 States,
16 the District of Columbia, and the Commonwealth of Puer-
17 to Rico: *Provided further*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 HIGHER EDUCATION

22 For an additional amount for “Higher Education”,
23 \$10,150,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 of which \$11,000,000 shall be transferred to “National

1 Technical Institute for the Deaf” to help defray expenses
2 (which may include lost revenue, reimbursement for ex-
3 penses already incurred, technology costs associated with
4 a transition to distance education, sign language and cap-
5 tioning costs associated with a transition to distance edu-
6 cation, faculty and staff trainings, and payroll) directly
7 caused by coronavirus and to enable emergency financial
8 aid to students for expenses directly related to coronavirus
9 and the disruption of university operations (which may in-
10 clude food, housing, transportation, technology, health
11 care, and child care), of which \$20,000,000 shall be trans-
12 ferred to “Howard University” to help defray expenses
13 (which may include lost revenue, reimbursement for ex-
14 penses already incurred, technology costs associated with
15 a transition to distance education, technology costs associ-
16 ated with a transition to distance education, faculty and
17 staff trainings, and payroll) directly related to coronavirus
18 and to enable grants to students for expenses directly re-
19 lated to coronavirus and the disruption of university oper-
20 ations (which may include food, housing, transportation,
21 technology, health care, and child care), of which
22 \$11,000,000 shall be transferred to “Gallaudet Univer-
23 sity” to help defray expenses (which may include lost rev-
24 enue, reimbursement for expenses already incurred, tech-
25 nology costs associated with a transition to distance edu-

1 cation, sign language and captioning costs associated with
2 a transition to distance education, faculty and staff
3 trainings, and payroll) directly related to coronavirus and
4 to enable grants to students for expenses directly related
5 to coronavirus and the disruption of university operations
6 (which may include food, housing, transportation, tech-
7 nology, health care, and child care), and of which the re-
8 maining amounts shall be used to carry out parts A and
9 B of title III, parts A and B of title V, subpart 4 of part
10 A of title VII, and part B of title VII of the Higher Edu-
11 cation Act of 1965 (“HEA”) as follows:

12 (1) \$1,708,000,000 for parts A and B of title
13 III, parts A and B of title V, and subpart 4 of part
14 A of title VII of the HEA to address needs directly
15 related to coronavirus: *Provided*, That such amount
16 shall be allocated by the Secretary proportionally to
17 such programs covered under this paragraph and
18 based on the relative share of funding appropriated
19 to such programs in the Further Consolidated Ap-
20 propriations Act, 2020 (Public Law 116–94) and
21 distributed to institutions of higher education as fol-
22 lows:

23 (A) Except as otherwise provided in sub-
24 paragraph (B), for eligible institutions under
25 part B of title III and subpart 4 of part A of

1 title VII of the Higher Education Act, the Sec-
2 retary shall allot to each eligible institution an
3 amount using the following formula:

4 (i) 70 percent according to a ratio
5 equivalent to the number of Pell Grant re-
6 cipients in attendance at such institution
7 at the end of the school year preceding the
8 beginning of that fiscal year and the total
9 number of Pell Grant recipients at all such
10 institutions;

11 (ii) 20 percent according to a ratio
12 equivalent to the total number of students
13 enrolled at such institution at the end of
14 the school year preceding the beginning of
15 that fiscal year and the number of stu-
16 dents enrolled at all such institutions; and

17 (iii) 10 percent according to a ratio
18 equivalent to the total endowment size at
19 all eligible institutions at the end of the
20 school year preceding the beginning of that
21 fiscal year and the total endowment size at
22 such institutions;

23 (B) For eligible institutions under section
24 326 of the Higher Education Act, the Secretary
25 shall allot to each eligible institution an amount

1 in proportion to the award received from fund-
2 ing for such institutions in the Further Consoli-
3 dated Appropriations Act, 2020 (Public Law
4 116–94);

5 (C) For eligible institutions under section
6 316 of the Higher Education Act, the Secretary
7 shall allot funding according to the formula in
8 section 316(d)(3) of the Higher Education Act;

9 (D) Notwithstanding section 318(f) of the
10 Higher Education Act, for eligible institutions
11 under section 318 of the Higher Education Act,
12 the Secretary shall allot funding according to
13 the formula in section 318(e) of the Higher
14 Education Act;

15 (E) Except as provided in subparagraphs
16 (C) and (D), for eligible institutions under part
17 A of title III of the Higher Education Act and
18 parts A and B of title V, the Secretary shall
19 issue an application for eligible institutions to
20 demonstrate unmet need, and the Secretary
21 shall allow eligible institutions to apply for
22 funds under one of the programs for which they
23 are eligible.

24 (2) \$8,400,000,000 for part B of title VII of
25 the HEA for institutions of higher education (as de-

1 fined in section 101 or 102(c) of the HEA) to ad-
2 dress needs directly related to coronavirus as follows:

3 (A) \$7,000,000,000 shall be provided to
4 private, non-profit institutions of higher edu-
5 cation apportioning it—

6 (i) 75 percent according to the rel-
7 ative share of enrollment of Federal Pell
8 Grant recipients who are not exclusively
9 enrolled in distance education courses prior
10 to the coronavirus emergency, and

11 (ii) 25 percent according to the rel-
12 ative share of the total equivalent enroll-
13 ment of students who were not Federal
14 Pell Grant recipients who are not exclu-
15 sively enrolled in distance education
16 courses prior to the coronavirus emer-
17 gency.

18 (B) \$1,400,000,000 shall be for institu-
19 tions of higher education (as defined in section
20 101 of the Higher Education Act) with unmet
21 need related to the coronavirus, including insti-
22 tutions of higher education that offer their
23 courses and programs exclusively through dis-
24 tance education:

1 *Provided*, That funds shall be used to make payments to
2 such institutions to provide emergency grants to students
3 who attended such institutions at any point during the
4 coronavirus emergency and for any component of the stu-
5 dent's cost of attendance (as defined under section 472
6 of the HEA), including food, housing, course materials,
7 technology, health care, and child care): *Provided further*,
8 That institutions of higher education may use such funds
9 to defray expenses (including lost revenue, reimbursement
10 for expenses already incurred, technology costs associated
11 with a transition to distance education, faculty and staff
12 trainings, and payroll) incurred by institutions of higher
13 education: *Provided further*, That such payments shall not
14 be used to increase endowments or provide funding for
15 capital outlays associated with facilities related to ath-
16 letics, sectarian instruction, or religious worship: *Provided*
17 *further*, That any institution of higher education that is
18 not otherwise eligible for a grant of at least \$1,000,000
19 under paragraph (2)(A) of this heading and has a total
20 enrollment of at least 500 students shall be eligible to re-
21 ceive an amount equal to whichever is the lesser of the
22 total loss of revenue and increased costs associated with
23 the coronavirus or \$1,000,000: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

4 SEC. 10602. Amounts made available to “Depart-
5 ment of Education—Office of Inspector General” in title
6 VIII of division B of Public Law 116–136 are hereby per-
7 manently rescinded, and an amount of additional new
8 budget authority equivalent to the amount rescinded is
9 hereby appropriated, to remain available until expended,
10 for the same purposes and under the same authorities as
11 they were originally appropriated, and shall be in addition
12 to any other funds available for such purposes: *Provided*,
13 That the amounts appropriated by this section may also
14 be used for investigations and are available until ex-
15 pended: *Provided further*, That such amount is designated
16 by the Congress as being for an emergency requirement
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
18 et and Emergency Deficit Control Act of 1985.

19 SEC. 10603. The Coronavirus Aid, Relief, and Eco-
20 nomic Security Act (P.L. 116–136) is amended by striking
21 section 18001(a)(3): *Provided*, That amounts repurposed
22 by this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985
25 are designated by the Congress as an emergency require-

1 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 SEC. 10604. Section 18005(a) of the Coronavirus
4 Aid, Relief, and Economic Security Act (P.L. 116–136)
5 is amended by inserting “with these funds only for chil-
6 dren identified under section 1115(c) of the ESEA in the
7 school district served by a local educational agency who
8 are enrolled in private elementary schools and secondary
9 schools” after “equitable services”: *Provided*, That
10 amounts repurposed by this section that were previously
11 designated by the Congress as an emergency requirement
12 pursuant to the Balanced Budget and Emergency Deficit
13 Control Act of 1985 are designated by the Congress as
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 SEC. 10605. Section 18004(c) of the Coronavirus
18 Aid, Relief, and Economic Security Act (P.L. 116–136)
19 is amended by striking “to cover any costs associated with
20 significant changes to the delivery of instruction due to
21 the coronavirus” and inserting “to defray expenses (in-
22 cluding lost revenue, reimbursement for expenses already
23 incurred, technology costs associated with a transition to
24 distance education, faculty and staff trainings, payroll) in-
25 curred by institutions of higher education.”: *Provided*,

1 That amounts repurposed by this section that were pre-
2 viously designated by the Congress as an emergency re-
3 quirement pursuant to the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985 are designated by the
5 Congress as an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 SEC. 10606. With respect to the allocation and award
9 of funds under this title, the Secretary of Education is
10 prohibited from—

11 (a) establishing a priority or preference not specified
12 in this title; and

13 (b) imposing limits on the use of such funds not spec-
14 ified in this title.

15 RELATED AGENCIES

16 CORPORATION FOR NATIONAL AND COMMUNITY

17 SERVICE

18 ADMINISTRATIVE PROVISIONS—CORPORATION FOR

19 NATIONAL AND COMMUNITY SERVICE

20 SEC. 10607. (a) The remaining unobligated balances
21 of funds as of September 30, 2020, from amounts pro-
22 vided to “Corporation for National and Community Serv-
23 ice—Salaries and Expenses” in title IV of division A of
24 the Further Consolidated Appropriations Act, 2020 (Pub-
25 lic Law 116–94), are hereby permanently rescinded, and

1 an amount of additional new budget authority equal to
2 the unobligated balances rescinded is hereby appropriated
3 on September 30, 2020, to remain available until Sep-
4 tember 30, 2021, for the same purposes and under the
5 same authorities that they were originally made available
6 in Public Law 116–94, which shall be in addition to any
7 other funds available for such purposes: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 (b) The remaining unobligated balances of funds as
13 of September 30, 2020, from amounts provided to “Cor-
14 poration for National and Community Service—Operating
15 Expenses” in title IV of division A of the Further Consoli-
16 dated Appropriations Act, 2020 (Public Law 116–94), are
17 hereby permanently rescinded, and an amount of addi-
18 tional new budget authority equal to the unobligated bal-
19 ances rescinded is hereby appropriated on September 30,
20 2020, to remain available until September 30, 2021, for
21 the same purposes and under the same authorities that
22 they were originally made available in Public Law 116–
23 94, which shall be in addition to any other funds available
24 for such purposes: *Provided*, That any amounts appro-
25 priated by the preceding proviso shall not be subject to

1 the allotment requirements otherwise applicable under sec-
2 tions 129(a), (b), (d), and (e) of the National and Commu-
3 nity Service Act of 1993: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 (c) The remaining unobligated balances of funds as
9 of September 30, 2020, from amounts provided to “Cor-
10 poration for National and Community Service—Office of
11 Inspector General” in title IV of division A of the Further
12 Consolidated Appropriations Act, 2020 (Public Law 116–
13 94), are hereby permanently rescinded, and an amount of
14 additional new budget authority equal to the amount re-
15 scinded is hereby appropriated on September 30, 2020,
16 to remain available until September 30, 2021, for the
17 same purposes and under the same authorities that they
18 were originally made available in Public Law 116–94,
19 which shall be in addition to any other funds available for
20 such purposes: *Provided*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

24 (d)(1) Section 3514(b) of title III of division A of
25 Public Law 116–136 is hereby repealed, and shall be ap-

1 plied hereafter as if such subsection had never been en-
2 acted.

3 (2)(A) IN GENERAL.—The budgetary effects of
4 this subsection are designated as an emergency re-
5 quirement pursuant to section 4(g) of the Statutory
6 Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

7 (B) DESIGNATION IN THE SENATE.—In the
8 Senate, this subsection is designated as an emer-
9 gency requirement pursuant to section 4112(a) of H.
10 Con. Res. 71 (115th Congress), the concurrent reso-
11 lution on the budget for fiscal year 2018.

12 (C) CLASSIFICATION OF BUDGETARY EF-
13 FECTS.—Notwithstanding Rule 3 of the Budget
14 Scorekeeping Guidelines set forth in the joint ex-
15 planatory statement of the committee of conference
16 accompanying Conference Report 105–217 and sec-
17 tion 250(c)(7) and (c)(8) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985, the
19 budgetary effects of this subsection—

20 (i) shall not be estimated for purposes of
21 section 251 of such Act; and

22 (ii) shall be entered on the PAYGO score-
23 cards maintained pursuant to section 4(d) of
24 the Statutory Pay As-You-Go Act of 2010.

1 INSTITUTE OF MUSEUM AND LIBRARY SCIENCES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For an additional amount for “Institute of Museum
5 and Library Services”, \$5,000,000, to remain available
6 until September 30, 2021, to prevent, prepare for, and re-
7 spond to coronavirus, including grants to States, terri-
8 tories, tribes, museums, and libraries, to expand digital
9 network access, purchase internet accessible devices, pro-
10 vide technical support services, and for operational ex-
11 penses: *Provided*, That any matching funds requirements
12 for States, tribes, libraries, and museums are waived for
13 grants provided with funds made available under this
14 heading in this Act: *Provided further*, That such amount
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 RAILROAD RETIREMENT BOARD

20 LIMITATION ON ADMINISTRATION

21 For an additional amount for “Limitation on Admin-
22 istration”, \$4,500,000, to remain available until Sep-
23 tember 30, 2021, to prevent, prepare for, and respond to
24 coronavirus, including the expeditious dispensation of rail-
25 road unemployment insurance benefits, and to support

1 full-time equivalents and overtime hours as needed to ad-
2 minister the Railroad Unemployment Insurance Act: *Pro-*
3 *vided*, That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

8 For an additional amount for “Office of the Inspector
9 General”, \$500,000, to remain available until expended,
10 to prevent, prepare for, and respond to coronavirus, in-
11 cluding salaries and expenses necessary for oversight, in-
12 vestigations and audits of the Railroad Retirement Board
13 and railroad unemployment insurance benefits funded in
14 this Act and Public Law 116–136: *Provided*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 10608. Notwithstanding any other provision of
21 law, funds made available under each heading in this title
22 shall only be used for the purposes specifically described
23 under that heading.

24 SEC. 10609. Funds appropriated by this title may be
25 used by the Secretary of the Health and Human Services

1 to appoint, without regard to the provisions of sections
2 3309 through 3319 of title 5 of the United States Code,
3 candidates needed for positions to perform critical work
4 relating to coronavirus for which—

5 (1) public notice has been given; and

6 (2) the Secretary has determined that such a
7 public health threat exists.

8 SEC. 10610. Funds made available by this title may
9 be used to enter into contracts with individuals for the
10 provision of personal services (as described in section 104
11 of part 37 of title 48, Code of Federal Regulations (48
12 CFR 37.104)) to support the prevention of, preparation
13 for, or response to coronavirus, domestically and inter-
14 nationally, subject to prior notification to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate: *Provided*, That such individuals may not be
17 deemed employees of the United States for the purpose
18 of any law administered by the Office of Personnel Man-
19 agement: *Provided further*, That the authority made avail-
20 able pursuant to this section shall expire on September
21 30, 2024.

22 SEC. 10611. Not later than 30 days after the date
23 of enactment of this Act, the Secretary of Health and
24 Human Services shall provide a detailed spend plan of an-
25 ticipated uses of funds made available to the Department

1 of Health and Human Services in this Act, including esti-
2 mated personnel and administrative costs, to the Commit-
3 tees on Appropriations of the House of Representatives
4 and the Senate: *Provided*, That such plans shall be up-
5 dated and submitted to such Committees every 60 days
6 until September 30, 2024: *Provided further*, That the
7 spend plans shall be accompanied by a listing of each con-
8 tract obligation incurred that exceeds \$5,000,000 which
9 has not previously been reported, including the amount of
10 each such obligation.

11 SEC. 10612. No later than September 30, 2020, the
12 remaining unobligated balances of funds made available
13 through September 30, 2020, under the heading “Na-
14 tional Institutes of Health” in the Further Consolidated
15 Appropriations Act, 2020 (Public Law 116–94) are hereby
16 permanently rescinded, and an amount of additional new
17 budget authority equivalent to the amount rescinded from
18 each account is hereby appropriated to that account, to
19 remain available until September 30, 2021, and shall be
20 available for the same purposes, in addition to other funds
21 as may be available for such purposes, and under the same
22 authorities for which the funds were originally provided
23 in Public Law 116–94: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 SEC. 10613. Funds made available in Public Law
4 113–235 to the accounts of the National Institutes of
5 Health that were available for obligation through fiscal
6 year 2015 and were obligated for multi-year research
7 grants shall be available through fiscal year 2021 for the
8 liquidation of valid obligations if the Director of the Na-
9 tional Insitutes of Health determines the project suffered
10 an interruption of activities attributable to SARS–CoV–
11 2: *Provided*, That such amount is designated by the Con-
12 gress as being for an emergency requirement pursuant to
13 section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 SEC. 10614. Of the funds appropriated by this title
16 under the heading “Public Health and Social Services
17 Emergency Fund”, \$75,000,000 shall be transferred to,
18 and merged with, funds made available under the heading
19 “Office of the Secretary, Office of Inspector General”, and
20 shall remain available until expended, for oversight of ac-
21 tivities supported with funds appropriated to the Depart-
22 ment of Health and Human Services in this Act: *Provided*,
23 That the Inspector General of the Department of Health
24 and Human Services shall consult with the Committees
25 on Appropriations of the House of Representatives and the

1 Senate prior to obligating such funds: *Provided further*,
2 That the transfer authority provided by this section is in
3 addition to any other transfer authority provided by law.

4 TITLE VII—LEGISLATIVE BRANCH

5 HOUSE OF REPRESENTATIVES

6 For an additional amount for the “House of Rep-
7 resentatives”, \$5,000,000, to remain available until Sep-
8 tember 30, 2021, for necessary expenses to prevent, pre-
9 pare for, and respond to coronavirus: *Provided*, That the
10 amounts made available under this heading in this Act
11 shall be allocated in accordance with a spend plan sub-
12 mitted to the Committee on Appropriations of the House
13 of Representatives by the Chief Administrative Officer and
14 approved by such Committee: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 GOVERNMENT ACCOUNTABILITY OFFICE

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$30,000,000, to remain available until expended,
23 for audits and investigations relating to COVID–19 or
24 similar pandemics, as well as any related stimulus funding
25 to assist the Nation’s response to health and economic

1 vulnerabilities to pandemics: *Provided*, That, not later
2 than 90 days after the date of enactment of this Act, the
3 Government Accountability Office shall submit to the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate a spend plan specifying funding esti-
6 mates and a timeline for such audits and investigations:
7 *Provided further*, That such amount is designated by the
8 Congress as being for an emergency requirement pursuant
9 to section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 TITLE VIII—DEPARTMENT OF STATE, FOREIGN
12 OPERATIONS, AND RELATED PROGRAMS

13 DEPARTMENT OF STATE

14 ADMINISTRATION OF FOREIGN AFFAIRS

15 OFFICE OF INSPECTOR GENERAL

16 For an additional amount for “Office of Inspector
17 General”, \$2,000,000, to remain available until September
18 30, 2022, for oversight of funds administered by the De-
19 partment of State and made available to prevent, prepare
20 for, and respond to coronavirus by this title and by prior
21 acts: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS — THIS TITLE

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 10801. Section 21005 of the Emergency Appro-
4 priations for Coronavirus Health Response and Agency
5 Operations (division B of Public Law 116–136) is amend-
6 ed by inserting at the end before the period “and is further
7 amended by striking ‘\$5,563,619’ in the second proviso
8 under the heading ‘Repatriation Loans Program Account’
9 and inserting in lieu thereof ‘\$15,563,619’ ”.

10 SEC. 10802. Section 21009 of the Emergency Appro-
11 priations for Coronavirus Health Response and Agency
12 Operations (division B of Public Law 116–136) is amend-
13 ed by striking “fiscal year 2020” and inserting in lieu
14 thereof “fiscal years 2020 and 2021”: *Provided*, That the
15 amount provided by this section is designated by the Con-
16 gress as being for an emergency requirement pursuant to
17 section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

1 TITLE IX
2 TRANSPORTATION, HOUSING AND URBAN
3 DEVELOPMENT, AND RELATED AGENCIES
4 DEPARTMENT OF TRANSPORTATION
5 FEDERAL AVIATION ADMINISTRATION
6 OPERATIONS

7 For an additional amount for “Operations”,
8 \$75,000,000, to remain available until September 30,
9 2022, to prevent, prepare for, and respond to coronavirus:
10 *Provided*, That amounts made available under this head-
11 ing in this Act shall be derived from the general fund,
12 of which not less than \$1,000,000 shall be for the Admin-
13 istrator to seek to enter into an agreement not later than
14 45 days after the date of enactment of this Act with a
15 research organization established under chapter 1503 of
16 title 36, United States Code, to conduct a study to deter-
17 mine whether the environmental controls systems in com-
18 mercial airliners recirculate pathogens in the cabin air and
19 to assess existing and potential technological solutions to
20 reduce pathogen recirculation and to mitigate any elevated
21 risk of exposure to pathogens in the cabin air: *Provided*
22 *further* That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 FEDERAL HIGHWAY ADMINISTRATION
2 HIGHWAY INFRASTRUCTURE PROGRAMS

3 For an additional amount for “Highway Infrastruc-
4 ture Programs”, \$15,000,000,000, to remain available
5 until expended: *Provided*, That the funds made available
6 under this heading shall be derived from the general fund,
7 shall be in addition to any funds provided for fiscal year
8 2020 in this or any other Act for “Federal-aid Highways”
9 under chapters 1 or 2 of title 23, United States Code,
10 and shall not affect the distribution or amount of funds
11 provided in any other Act: *Provided further*, That notwith-
12 standing chapter 1 of title 23, United States Code, or any
13 other provision of law, a State, territory, Puerto Rico, or
14 Indian Tribe may use funds made available under this
15 heading in this Act for activities eligible under section
16 133(b) of title 23, United States Code, for administrative
17 and operations expenses, including salaries of employees
18 (including those employees who have been placed on ad-
19 ministrative leave) or contractors, information technology
20 needs, and availability payments: *Provided further*, That
21 of the funds made available under this heading,
22 \$14,775,000,000 shall be available for States,
23 \$150,000,000 shall be available for the Tribal Transpor-
24 tation Program, as described in section 202 of title 23,
25 United States Code, \$60,000,000 shall be available for the

1 Puerto Rico Highway Program, as described in section
2 165(b)(2)(C)(iii) of such title; and \$15,000,000 shall be
3 available for under the Territorial Highway Program, as
4 described in section 165(c)(6) of such title: *Provided fur-*
5 *ther*, That for the purposes of funds made available under
6 this heading the term “State” means any of the 50 States
7 or the District of Columbia: *Provided further*, That the
8 funds made available under this heading for States shall
9 be apportioned to States in the same ratio as the obliga-
10 tion limitation for fiscal year 2020 was distributed among
11 the States in accordance with the formula specified in sec-
12 tion 120(a)(5) of division H of Public Law 116–94 and
13 shall be apportioned not later than 30 days after the date
14 of enactment of this Act: *Provided further*, That the funds
15 made available under this heading shall be administered
16 as if apportioned under chapter 1 of title 23, United
17 States Code, except that activities eligible under the Tribal
18 Transportation Program shall be administered as if allo-
19 cated under chapter 2 of title 23, United States Code: *Pro-*
20 *vided further*, That funds apportioned to a State under
21 this heading shall be suballocated within the State to areas
22 described in subsection 133(d)(1)(A)(i) of title 23, United
23 States Code, in the same ratio that funds suballocated to
24 those areas for fiscal year 2020 bears to the total amount
25 of funds apportioned to the State for the Federal-aid high-

1 way program under section 104 of such title for fiscal year
2 2020: *Provided further*, That of funds made available
3 under this heading for activities eligible under section
4 133(b) of title 23, United States Code, any such activity
5 shall be subject to the requirements of section 133(i) of
6 such title: *Provided further*, That, except as provided in
7 the following proviso, the funds made available under this
8 heading for activities eligible under the Puerto Rico High-
9 way Program and activities eligible under the Territorial
10 Highway Program shall be administered as if allocated
11 under sections 165(b) and 165(c), respectively, of such
12 title: *Provided further*, That the funds made available
13 under this heading for activities eligible under the Puerto
14 Rico Highway Program shall not be subject to the require-
15 ments of sections 165(b)(2)(A) or 165(b)(2)(B) of such
16 title: *Provided further*, That for amounts subject to the
17 obligation limitation under the heading “Department of
18 Transportation—Federal Highway Administration—Fed-
19 eral-aid Highways—(Limitation on Obligations)—(High-
20 way Trust Fund)” in Public Law 116–94 for fiscal year
21 2020 that are obligated after the date of enactment of this
22 Act, and for any amounts made available under this head-
23 ing in this Act, the Federal share of the costs shall be,
24 at the option of the State, District of Columbia, territory,
25 Puerto Rico, or Indian Tribe, up to 100 percent, and may

1 be available for administrative and operations expenses,
2 including salaries of employees (including those employees
3 who have been placed on administrative leave) or contrac-
4 tors, information technology needs, and availability pay-
5 ments: *Provided further*, That section 120(c) of Public
6 Law 116–94 shall not apply for fiscal year 2020, and that
7 amounts that would otherwise have been redistributed by
8 section 120(c) shall be retained by States and shall be
9 available for their original purpose until September 30,
10 2021, except that such amounts shall be subject to such
11 redistribution in fiscal year 2021: *Provided further*, That
12 amounts made available under section 147 of title 23,
13 United States Code, for fiscal years 2019 and 2020 are
14 available for the administrative and operating expenses of
15 eligible entities related to the response to a coronavirus
16 public health emergency beginning on January 20, 2020,
17 reimbursement for administrative and operating costs to
18 maintain service including the purchase of personal pro-
19 tective equipment, and paying the administrative leave of
20 operations personnel due to reductions in service: *Provided*
21 *further*, That funds made available for administrative and
22 operating expenses authorized for fiscal year 2020 in Pub-
23 lic Law 116–94 or in this Act under this heading are not
24 required to be included in a transportation improvement
25 program or a statewide transportation improvement pro-

1 gram under sections 134 or 135 of title 23, United States
2 Code, or chapter 53 of title 49, United States Code, as
3 applicable: *Provided further*, That unless otherwise speci-
4 fied, applicable requirements under title 23, United States
5 Code, shall apply to funds made available under this head-
6 ing: *Provided further*, That the Administrator of the Fed-
7 eral Highway Administration may retain up to one half
8 of one percent of the funds made available under this
9 heading to fund the oversight by the Administrator of ac-
10 tivities carried out with funds made available under this
11 heading: *Provided further*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985.

15 FEDERAL TRANSIT ADMINISTRATION
16 PUBLIC TRANSPORTATION EMERGENCY RELIEF

17 For an additional amount for “Public Transportation
18 Emergency Relief”, \$15,750,000,000, to remain available
19 until expended, to prevent, prepare for, and respond to
20 coronavirus: *Provided*, That of the amounts appropriated
21 under this heading in this Act—

22 (1) \$11,750,000,000 shall be for grants to ur-
23 banized areas with populations over 3,000,000 and
24 shall be allocated in the same ratio as funds were
25 provided in fiscal year 2020: *Provided*, That 15 per-

1 cent of the amounts provided in this paragraph shall
2 be allocated as if such funds were provided under
3 section 5307 of title 49, United States Code and ap-
4 portioned in accordance with section 5338 of such
5 title (other than subsection (b)(3) and (c)(1)(A))
6 and 85 percent of the amounts provided in this
7 paragraph shall be allocated under section 5337 of
8 such title and apportioned in accordance with such
9 section: *Provided further*, That funds provided under
10 section 5337 shall be added to funds apportioned
11 under section 5307 for administration in accordance
12 with provisions under section 5307: *Provided further*,
13 That for urbanized areas with multiple subrecipi-
14 ents, funds provided under section 5337 in this
15 paragraph shall be distributed among subrecipients
16 using the same ratio used to distribute funds made
17 available for section 5337 in fiscal year 2020; and
18 (2) \$4,000,000,000 shall be for grants to tran-
19 sit agencies that, as a result of coronavirus, require
20 significant additional assistance to maintain basic
21 transit services: *Provided*, That such funds shall be
22 administered as if they were provided under section
23 5324 of title 49, United States Code: *Provided fur-*
24 *ther*, That any recipient or subrecipient of funds
25 under chapter 53 of title 49, United States Code, or

1 an intercity bus service provider that has, between
2 October 1, 2018 and January 20, 2020, partnered
3 with a recipient or subrecipient in order to meet the
4 requirements of section 5311(f) of such title shall be
5 eligible to directly apply for funds under this para-
6 graph: *Provided further*, That entities that are not
7 recipients or subrecipients of funds under chapter 53
8 of title 49 but are eligible for grants under this
9 heading in this Act shall be eligible to receive not
10 more than 18.75 percent of the total funds provided
11 under this paragraph: *Provided further*, That such
12 entities shall use assistance provided under this
13 heading only for workforce retention or, the recall or
14 rehire of any laid off, furloughed, or terminated em-
15 ployee, associated with the provision of bus service:
16 *Provided further*, That, the Secretary shall issue a
17 Notice of Funding Opportunity not later than 30
18 days after the date of enactment of this Act and
19 that such Notice of Funding Opportunity shall re-
20 quire application submissions not later than 45 days
21 after the enactment of this Act: *Provided further*,
22 That the Secretary shall make awards not later than
23 45 days after the application deadline: *Provided fur-*
24 *ther*, That the Secretary shall require grantees to
25 provide estimates of financial need, data on reduced

1 ridership, and a spending plan for funds: *Provided*
2 *further*, That when evaluating applications for assist-
3 ance, the Secretary shall give priority to transit
4 agencies with the largest revenue loss as a percent-
5 age of their operating expenses: *Provided further*,
6 That if applications for assistance do not exceed
7 available funds, the Secretary shall reserve the re-
8 maining amounts for grantees to prevent, prepare
9 for, and respond to coronavirus and shall accept ap-
10 plications on a rolling basis: *Provided further*, That
11 if amounts made available under this heading in this
12 Act remain unobligated on December 31, 2021, such
13 amounts shall be available for any purpose eligible
14 under section 5324 of title 49, United States Code:
15 *Provided further*, That the provision of funds under this
16 section shall not affect the ability of any other agency of
17 the Government, including the Federal Emergency Man-
18 agement Agency, or State agency, a local governmental
19 entity, organization, or person, to provide any other funds
20 otherwise authorized by law: *Provided further*, That not-
21 withstanding subsection (a)(1) or (b) of section 5307 of
22 title 49, United States Code, subsection (a)(1) of section
23 5324 of such title, or any provision of chapter 53 of title
24 49, funds provided under this heading in this Act are
25 available for the operating expenses of transit agencies re-

1 lated to the response to a coronavirus public health emer-
2 gency, including, beginning on January 20, 2020, reim-
3 bursement for operating costs to maintain service and lost
4 revenue due to the coronavirus public health emergency,
5 including the purchase of personal protective equipment,
6 and paying the administrative leave of operations or con-
7 tractor personnel due to reductions in service: *Provided*
8 *further*, That to the maximum extent possible, funds made
9 available under this heading in this Act and in title XII
10 of division B of the CARES Act (Public Law 116-136)
11 shall be directed to payroll and public transit service, un-
12 less the recipient certifies to the Secretary they have not
13 furloughed any employees: *Provided further*, That such op-
14 erating expenses are not required to be included in a
15 transportation improvement program, long-range trans-
16 portation plan, statewide transportation plan, or a state-
17 wide transportation improvement program: *Provided fur-*
18 *ther*, That the Secretary shall not waive the requirements
19 of section 5333 of title 49, United States Code, for funds
20 appropriated under this heading in this Act: *Provided fur-*
21 *ther*, That unless otherwise specified, applicable require-
22 ments under chapter 53 of title 49, United States Code,
23 shall apply to funding made available under this heading
24 in this Act, except that the Federal share of the costs for
25 which any grant is made under this heading in this Act

1 shall be, at the option of the recipient, up to 100 percent:
2 *Provided further*, That the amount made available under
3 this heading in this Act shall be derived from the general
4 fund and shall not be subject to any limitation on obliga-
5 tions for transit programs set forth in any Act: *Provided*
6 *further*, That not more than one-half of one percent of the
7 funds for transit infrastructure grants provided under this
8 heading in this Act shall be available for administrative
9 expenses and ongoing program management oversight as
10 authorized under sections 5334 and 5338(f)(2) of title 49,
11 United States Code, and shall be in addition to any other
12 appropriations for such purpose: *Provided further*, That
13 such amount is designated by the Congress as being for
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 DEPARTMENT OF HOUSING AND URBAN
18 DEVELOPMENT

19 PUBLIC AND INDIAN HOUSING

20 TENANT-BASED RENTAL ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Tenant-Based Rental
23 Assistance”, \$4,000,000,000, to remain available until ex-
24 pended, and to be used under the same authority and con-
25 ditions as the additional appropriations for fiscal year

1 2020 under this heading in title XII of division B of the
2 CARES Act (Public Law 116–136), except that any
3 amounts provided for administrative expenses and other
4 expenses of public housing agencies for their section 8 pro-
5 grams, including Mainstream vouchers, under this heading
6 in the CARES Act (Public Law 116–136) and under this
7 heading in this Act shall also be available for Housing As-
8 sistance Payments under section 8(o) of the United States
9 Housing Act of 1937 (42 U.S.C. 1437f(o)): *Provided*,
10 That amounts made available under this heading in this
11 Act and under the same heading in title XII of division
12 B of the CARES Act may be used to cover or reimburse
13 allowable costs incurred to prevent, prepare for, and re-
14 spond to coronavirus regardless of the date on which such
15 costs were incurred: *Provided further*, That of the amounts
16 made available under this heading in this Act,
17 \$500,000,000 shall be available for administrative ex-
18 penses and other expenses of public housing agencies for
19 their section 8 programs, including Mainstream vouchers:
20 *Provided further*, That of the amounts made available
21 under this heading in this Act, \$2,500,000,000 shall be
22 available for adjustments in the calendar year 2020 sec-
23 tion 8 renewal funding allocations, including Mainstream
24 vouchers, for public housing agencies that experience a
25 significant increase in voucher per-unit costs due to ex-

1 traordinary circumstances or that, despite taking reason-
2 able cost savings measures, as determined by the Sec-
3 retary, would otherwise be required to terminate rental as-
4 sistance for families as a result of insufficient funding:
5 *Provided further*, That of the amounts made available
6 under this heading in this Act, \$1,000,000,000 shall be
7 used for incremental rental voucher assistance under sec-
8 tion 8(o) of the United States Housing Act of 1937 for
9 use by individuals and families who are—homeless, as de-
10 fined under section 103(a) of the McKinney-Vento Home-
11 less Assistance Act (42 U.S.C. 11302(a)); at risk of home-
12 lessness, as defined under section 401(1) of the McKin-
13 ney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));
14 or fleeing, or attempting to flee, domestic violence, dating
15 violence, sexual assault, or stalking: *Provided further*, That
16 the Secretary shall allocate amounts made available in the
17 preceding proviso to public housing agencies not later than
18 60 days after the date of enactment of this Act, according
19 to a formula that considers the ability of the public hous-
20 ing agency to use vouchers promptly and the need of geo-
21 graphical areas based on factors to be determined by the
22 Secretary, such as risk of transmission of coronavirus,
23 high numbers or rates of sheltered and unsheltered home-
24 lessness, and economic and housing market conditions:
25 *Provided further*, That if a public housing authority elects

1 not to administer or does not promptly issue all of its au-
2 thorized vouchers within a reasonable period of time, the
3 Secretary shall reallocate any unissued vouchers and asso-
4 ciated funds to other public housing agencies according
5 to the criteria in the preceding proviso: *Provided further*,
6 That a public housing agency shall not reissue any vouch-
7 ers under this heading in this Act for incremental rental
8 voucher assistance when assistance for the family initially
9 assisted is terminated: *Provided further*, That upon termi-
10 nation of incremental rental voucher assistance under this
11 heading in this Act for one or more families assisted by
12 a public housing agency, the Secretary shall reallocate
13 amounts that are no longer needed by such public housing
14 agency for assistance under this heading in this Act to
15 another public housing agency for the renewal of vouchers
16 previously authorized under this heading in this Act: *Pro-*
17 *vided further*, That amounts made available in this para-
18 graph are in addition to any other amounts made available
19 for such purposes: *Provided further*, That up to 0.5 per-
20 cent of the amounts made available under this heading
21 in this Act may be transferred, in aggregate, to “Depart-
22 ment of Housing and Urban Development, Program Of-
23 fices—Public and Indian Housing” to supplement existing
24 resources for the necessary costs of administering and
25 overseeing the obligation and expenditure of these

1 amounts, to remain available until September 30, 2024:
2 *Provided further*, That such amount is designated by the
3 Congress as being for an emergency requirement pursuant
4 to section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 PUBLIC HOUSING OPERATING FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Public Housing Oper-
9 ating Fund”, as authorized by section 9(e) of the United
10 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
11 \$2,000,000,000, to remain available until September 30,
12 2021, and to be used under the same authority and condi-
13 tions as the additional appropriations for fiscal year 2020
14 under this heading in title XII of division B of the CARES
15 Act (Public Law 116–136): *Provided*, That amounts made
16 available under this heading in this Act and under the
17 same heading in title XII of division B of the CARES Act
18 may be used to cover or reimburse allowable costs incurred
19 to prevent, prepare for, and respond to coronavirus re-
20 gardless of the date on which such costs were incurred:
21 *Provided further*, That up to 0.5 percent of the amounts
22 made available under this heading in this Act may be
23 transferred, in aggregate, to “Department of Housing and
24 Urban Development, Program Offices—Public and Indian
25 Housing” to supplement existing resources for the nec-

1 essary costs of administering and overseeing the obligation
2 and expenditure of these amounts, to remain available
3 until September 30, 2024: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 COMMUNITY PLANNING AND DEVELOPMENT

9 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

10 For an additional amount for “Housing Opportuni-
11 ties for Persons with AIDS”, \$15,000,000, to remain
12 available until September 30, 2021, and to be used under
13 the same authority and conditions as the additional appro-
14 priations for fiscal year 2020 under this heading in title
15 XII of division B of the CARES Act (Public Law 116–
16 136): *Provided*, That amounts provided under this heading
17 in this Act that are allocated pursuant to section 854(c)(5)
18 of the AIDS Housing Opportunity Act (42 U.S.C. 12901
19 et seq.) shall remain available until September 30, 2022:
20 *Provided further*, That not less than \$15,000,000 of the
21 amount provided under this heading in this Act shall be
22 allocated pursuant to the formula in section 854 of such
23 Act using the same data elements as utilized pursuant to
24 that same formula in fiscal year 2020: *Provided further*,
25 That such amount is designated by the Congress as being

1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 COMMUNITY DEVELOPMENT FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Community Develop-
7 ment Fund”, \$5,000,000,000, to remain available until
8 September 30, 2023, and to be used under the same au-
9 thority and conditions as the additional appropriations for
10 fiscal year 2020 under this heading in title XII of division
11 B of the CARES Act (Public Law 116–136): *Provided*,
12 That such amount made available under this heading in
13 this Act shall be distributed pursuant to section 106 of
14 the Housing and Community Development Act of 1974
15 (42 U.S.C. 5306) to grantees that received allocations
16 pursuant to such formula in fiscal year 2020, and that
17 such allocations shall be made within 30 days of enact-
18 ment of this Act: *Provided further*, That in administering
19 funds under this heading, an urban county shall consider
20 needs throughout the entire urban county configuration
21 to prevent, prepare for, and respond to coronavirus: *Pro-*
22 *vided further*, That up to \$100,000,000 of amounts made
23 available under this heading in this Act may be used to
24 make new awards or increase prior awards to existing
25 technical assistance providers: *Provided further*, That of

1 the amounts made available under this heading in this
2 Act, up to \$25,000,000 may be transferred to “Depart-
3 ment of Housing and Urban Development, Program Of-
4 fices—Community Planning and Development” for nec-
5 essary costs of administering and overseeing the obligation
6 and expenditure of amounts under this heading in this
7 Act, to remain available until September 30, 2028: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 HOMELESS ASSISTANCE GRANTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Homeless Assistance
15 Grants”, \$11,500,000,000, to remain available until Sep-
16 tember 30, 2025, for the Emergency Solutions Grants pro-
17 gram as authorized under subtitle B of title IV of the
18 McKinney-Vento Homeless Assistance Act (42 U.S.C.
19 11371 et seq.), as amended, and to be used under the
20 same authority and conditions as the additional appropria-
21 tions for fiscal year 2020 under this heading in title XII
22 of division B of the CARES Act (Public Law 116–136):
23 *Provided*, That \$4,000,000,000 of the amount made avail-
24 able under this heading in this Act shall be distributed
25 pursuant to 24 CFR 576.3 to grantees that received allo-

1 cations pursuant to that same formula in fiscal year 2020,
2 and that such allocations shall be made within 30 days
3 of enactment of this Act: *Provided further*, That, in addi-
4 tion to amounts allocated in the preceding proviso, remain-
5 ing amounts shall be allocated directly to a State or unit
6 of general local government by the formula specified in
7 the third proviso under this heading in title XII of division
8 B of the CARES Act (Public Law 116–136): *Provided fur-*
9 *ther*, That not later than 90 days after the date of enact-
10 ment of this Act and every 60 days thereafter, the Sec-
11 retary shall allocate a minimum of an additional
12 \$500,000,000, pursuant to the formula referred to in the
13 preceding proviso, based on the best available data: *Pro-*
14 *vided further*, That up to 0.5 percent of the amounts made
15 available under this heading in this Act may be trans-
16 ferred to “Department of Housing and Urban Develop-
17 ment—Program Offices—Community Planning and De-
18 velopment” for necessary costs of administering and over-
19 seeing the obligation and expenditure of amounts under
20 this heading in this Act, to remain available until Sep-
21 tember 30, 2030: *Provided further*, That funds made avail-
22 able under this heading in this Act and under this heading
23 in title XII of division B of the CARES Act (Public Law
24 116–136) may be used for eligible activities the Secretary
25 determines to be critical in order to assist survivors of do-

1 mestic violence, sexual assault, dating violence, and stalk-
2 ing or to assist homeless youth, age 24 and under: *Pro-*
3 *vided further*, That amounts repurposed by this paragraph
4 that were previously designated by the Congress as an
5 emergency requirement pursuant to the Balanced Budget
6 and Emergency Deficit Control Act of 1985 are des-
7 ignated by the Congress as an emergency requirement
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985: *Provided*
10 *further*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 EMERGENCY RENTAL ASSISTANCE

15 For activities and assistance authorized in section
16 110201 of the “COVID–19 HERO Act”,
17 \$100,000,000,000, to remain available until expended:
18 *Provided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

22 HOUSING PROGRAMS

23 PROJECT-BASED RENTAL ASSISTANCE

24 For an additional amount for “Project-Based Rental
25 Assistance”, \$750,000,000, to remain available until ex-

1 pending, and to be used under the same authority and con-
2 ditions as the additional appropriations for fiscal year
3 2020 under this heading in title XII of division B of the
4 CARES Act (Public Law 116–136): *Provided*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 HOUSING FOR THE ELDERLY

10 For an additional amount for “Housing for the El-
11 derly”, \$500,000,000, to remain available until September
12 30, 2023, and to be used under the same authority and
13 conditions as the additional appropriations for fiscal year
14 2020 under this heading in title XII of division B of the
15 CARES Act (Public Law 116–136): *Provided*, That not-
16 withstanding the first proviso under this heading in the
17 CARES Act, \$300,000,000 of the amount made available
18 under this heading in this Act shall be for one-time grants
19 for service coordinators, as authorized under section 676
20 of the Housing and Community Development Act of 1992
21 (42 U.S.C. 13632), and the continuation of existing con-
22 gregate service grants for residents of assisted housing
23 projects: *Provided further*, That such amount is designated
24 by the Congress as being for an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 HOUSING FOR PERSONS WITH DISABILITIES

4 For an additional amount for “Housing for Persons
5 with Disabilities”, \$200,000,000, to remain available until
6 September 30, 2023, and to be used under the same au-
7 thority and conditions as the additional appropriations for
8 fiscal year 2020 under this heading in title XII of division
9 B of the CARES Act (Public Law 116–136): *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 HOUSING COUNSELING ASSISTANCE

15 For an additional amount for “Housing Counseling
16 Assistance”, for contracts, grants, and other assistance
17 excluding loans, as authorized under section 106 of the
18 Housing and Urban Development Act of 1968,
19 \$100,000,000, to remain available until September 30,
20 2022, including up to \$8,000,000 for administrative con-
21 tract services: *Provided*, That funds made available under
22 this heading in this Act shall be used for providing coun-
23 seling and advice to tenants and homeowners, both current
24 and prospective, with respect to property maintenance, fi-
25 nancial management or literacy, foreclosure and eviction

1 mitigation, and such other matters as may be appropriate
2 to assist them in improving their housing conditions, meet-
3 ing their financial needs, and fulfilling the responsibilities
4 of tenancy or homeownership; for program administration;
5 and for housing counselor training: *Provided further*, That
6 amounts made available under this heading in this Act
7 may be used to purchase equipment and technology to de-
8 liver services through use of the Internet or other elec-
9 tronic or virtual means in response to the public health
10 emergency related to the Coronavirus Disease 2019
11 (COVID–19) pandemic: *Provided further*, That for pur-
12 poses of providing such grants from amounts provided
13 under this heading, the Secretary may enter into
14 multiyear agreements, as appropriate, subject to the avail-
15 ability of annual appropriations: *Provided further*, That
16 such amount is designated by the Congress as being for
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 FAIR HOUSING AND EQUAL OPPORTUNITY

21 FAIR HOUSING ACTIVITIES

22 For an additional amount for “Fair Housing Activi-
23 ties”, \$14,000,000, to remain available until September
24 30, 2022, and to be used under the same authority and
25 conditions as the additional appropriations for fiscal year

1 2020 under this heading in title XII of division B of the
2 CARES Act (Public Law 116–136): *Provided*, That of the
3 funds made available under this heading in this Act,
4 \$4,000,000 shall be for Fair Housing Organization Initia-
5 tive grants through the Fair Housing Initiatives Program
6 (FHIP), made available to existing grantees, which may
7 be used for fair housing activities and for technology and
8 equipment needs to deliver services through use of the
9 Internet or other electronic or virtual means in response
10 to the public health emergency related to the Coronavirus
11 Disease 2019 (COVID–19) pandemic: *Provided further*,
12 That of the funds made available under this heading in
13 this Act, \$10,000,000 shall be for FHIP Education and
14 Outreach grants made available to previously-funded na-
15 tional media grantees and State and local education and
16 outreach grantees, to educate the public and the housing
17 industry about fair housing rights and responsibilities dur-
18 ing the COVID–19 pandemic: *Provided further*, That such
19 grants in the preceding proviso shall be divided evenly be-
20 tween the national media campaign and education and
21 outreach activities: *Provided further*, That such amount is
22 designated by the Congress as being for an emergency re-
23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE
2 (INCLUDING RESCISSIONS)

3 SEC. 10901. There is hereby appropriated from the
4 General Fund of the Treasury, for payment to the Airport
5 and Airway Trust Fund, an amount equal to the amount
6 authorized by section 9502(c) of title 26, United States
7 Code.

8 SEC. 10902. Amounts previously made available in
9 the Further Continuing Appropriations Act, 2013 (Public
10 Law 113–6) for the heading “Department of Housing and
11 Urban Development—Public and Indian Housing—Choice
12 Neighborhoods Initiative” shall remain available for ex-
13 penditure for the purpose of paying valid obligations in-
14 curred prior to the expiration of such amounts through
15 September 30, 2021.

16 SEC. 10903. The provision under the heading “Office
17 of the Inspector General—Salaries and Expenses” in title
18 XII of division B of the Coronavirus Aid, Relief, and Eco-
19 nomic Security Act (Public Law 116–136) is amended by
20 striking “with funds made available in this Act to” and
21 inserting “by”: *Provided*, That the amounts repurposed in
22 this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985
25 are designated by the Congress as an emergency require-

1 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 SEC. 10904. (a) Notwithstanding section
4 51309(a)(1)(B) of title 46, United States Code, for fiscal
5 year 2020, the Secretary of Transportation may confer the
6 degree of bachelor of science on an individual who has not
7 passed the examination for a merchant marine officer's
8 license due to intervening efforts to prevent, prepare for,
9 and respond to coronavirus.

10 (b) The Secretary of Transportation may provide
11 such individual up to 1 year after receipt of such degree
12 to pass the examination for a merchant marine officer's
13 license.

14 (c) Nothing in this section shall be construed to allow
15 the provision of a license under section 7101 of title 46,
16 United States Code, to an individual who has not passed
17 the required examination.

18 SEC. 10905. (a) Notwithstanding section
19 51506(a)(3) of title 46, United States Code, for fiscal year
20 2020, the Secretary of Transportation may allow a State
21 maritime academy to waive a condition for graduation for
22 an individual to pass the examination required for the
23 issuance of a license under section 7101 of title 46, United
24 States Code, due to intervening efforts to prevent, prepare
25 for, and respond to coronavirus.

1 (b) The Secretary of Transportation may provide
2 such individual up to 1 year after graduation to pass such
3 examination.

4 (c) Nothing in this section shall be construed to allow
5 the provision of a license under section 7101 of title 46,
6 United States Code, to an individual who has not passed
7 the required examination.

8 SEC. 10906. Amounts made available under the head-
9 ings “Project-Based Rental Assistance,” “Housing for the
10 Elderly” and “Housing for Persons With Disabilities” in
11 title XII of division B of the CARES Act (Public Law
12 116–136) and under such headings in this title of this Act
13 may be used, notwithstanding any other provision of law,
14 to provide additional funds to maintain operations for
15 such housing, for providing supportive services, and for
16 taking other necessary actions to prevent, prepare for, and
17 respond to coronavirus, including to actions to self-isolate,
18 quarantine, or to provide other coronavirus infection con-
19 trol services as recommended by the Centers for Disease
20 Control and Prevention, including providing relocation
21 services for residents of such housing to provide lodging
22 at hotels, motels, or other locations: *Provided*, That the
23 amounts repurposed in this section that were previously
24 designated by the Congress as an emergency requirement
25 pursuant to the Balanced Budget and Emergency Deficit

1 Control Act of 1985 are designated by the Congress as
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 TITLE X

6 GENERAL PROVISIONS—THIS DIVISION

7 SEC. 11001. Not later than 30 days after the date
8 of enactment of this Act, the head of each executive agen-
9 cy that receives funding in any division of this Act, or that
10 received funding in the Coronavirus Preparedness and Re-
11 sponse Supplemental Appropriations Act, 2020 (division
12 A of Public Law 116–123), the Second Coronavirus Pre-
13 paredness and Response Supplemental Appropriations
14 Act, 2020 (division A of Public Law 116–127), the
15 CARES Act (Public Law 116–136), or the Paycheck Pro-
16 tection Program and Health Care Enhancement Act (Pub-
17 lic Law 116–139) shall provide a report detailing the an-
18 ticipated uses of all such funding to the Committees on
19 Appropriations of the House of Representatives and the
20 Senate: *Provided*, That each report shall include estimated
21 personnel and administrative costs, as well as the total
22 amount of funding apportioned, allotted, obligated, and
23 expended, to date: *Provided further*, That each such report
24 shall be updated and submitted to such Committees every
25 60 days until all funds are expended or expire: *Provided*

1 *further*, That reports submitted pursuant to this section
2 shall satisfy the requirements of section 1701 of division
3 A of Public Law 116–127.

4 SEC. 11002. Each amount appropriated or made
5 available by this Act is in addition to amounts otherwise
6 appropriated for the fiscal year involved.

7 SEC. 11003. No part of any appropriation contained
8 in this Act shall remain available for obligation beyond
9 the current fiscal year unless expressly so provided herein.

10 SEC. 11004. Unless otherwise provided for by this
11 Act, the additional amounts appropriated by this Act to
12 appropriations accounts shall be available under the au-
13 thorities and conditions applicable to such appropriations
14 accounts for fiscal year 2020.

15 SEC. 11005. Each amount designated in this Act by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985 shall be avail-
19 able (or rescinded or transferred, if applicable) only if the
20 President subsequently so designates all such amounts
21 and transmits such designations to the Congress.

22 SEC. 11006. Any amount appropriated by this Act,
23 designated by the Congress as an emergency requirement
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
25 et and Emergency Deficit Control Act of 1985 and subse-

1 quently so designated by the President, and transferred
2 pursuant to transfer authorities provided by this Act shall
3 retain such designation.

4 SEC. 11007. (a) Any contract or agreement entered
5 into by an agency with a State or local government or any
6 other non-Federal entity for the purposes of providing cov-
7 ered assistance, including any information and documents
8 related to the performance of and compliance with such
9 contract or agreement, shall be—

10 (1) deemed an agency record for purposes of
11 section 552(f)(2) of title 5, United States Code; and

12 (2) subject to section 552 of title 5, United
13 States Code (commonly known as the “Freedom of
14 Information Act”).

15 (b) In this section—

16 (1) the term “agency” has the meaning given
17 the term in section 551 of title 5, United States
18 Code; and

19 (2) the term “covered assistance”—

20 (A) means any assistance provided by an
21 agency in accordance with an Act or amend-
22 ments made by an Act to provide aid, assist-
23 ance, or funding related to the outbreak of
24 COVID-19 that is enacted before, on, or after
25 the date of enactment of this Act; and

1 (B) includes any such assistance made
2 available by an agency under—

3 (i) this Act;

4 (ii) the Paycheck Protection Program
5 and Health Care Enhancement Act (Public
6 Law 116–139), or an amendment made by
7 that Act;

8 (iii) the CARES Act (Public Law
9 116–136), or an amendment made by that
10 Act;

11 (iv) the Families First Coronavirus
12 Response Act (Public Law 116–127), or an
13 amendment made by that Act; or

14 (v) the Coronavirus Preparedness and
15 Response Supplemental Appropriations
16 Act, 2020 (Public Law 116–123), or an
17 amendment made by that Act.

18 SEC. 11008. (a) Notwithstanding any other provision
19 of law and in a manner consistent with other provisions
20 in any division of this Act, all laborers and mechanics em-
21 ployed by contractors and subcontractors on projects fund-
22 ed directly by or assisted in whole or in part by and
23 through the Federal Government pursuant to any division
24 of this Act shall be paid wages at rates not less than those
25 prevailing on projects of a character similar in the locality

1 as determined by the Secretary of Labor in accordance
2 with subchapter IV of chapter 31 of title 40, United States
3 Code. With respect to the labor standards specified in this
4 section, the Secretary of Labor shall have the authority
5 and functions set forth in Reorganization Plan Numbered
6 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
7 3145 of title 40, United States Code.

8 (b) The amounts provided by this section are des-
9 ignated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 BUDGETARY EFFECTS

13 SEC. 11009. (a) STATUTORY PAYGO EMERGENCY
14 DESIGNATION.—The amounts provided under division B
15 and each succeeding division are designated as an emer-
16 gency requirement pursuant to section 4(g) of the Statu-
17 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

18 (b) SENATE PAYGO EMERGENCY DESIGNATION.—
19 In the Senate, division B and each succeeding division are
20 designated as an emergency requirement pursuant to sec-
21 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
22 concurrent resolution on the budget for fiscal year 2018.

23 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
24 Notwithstanding Rule 3 of the Budget Scorekeeping
25 Guidelines set forth in the joint explanatory statement of
26 the committee of conference accompanying Conference Re-

1 port 105–217 and section 250(c)(8) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985, the
3 budgetary effects of division B and each succeeding divi-
4 sion—

5 (1) shall not be estimated for purposes of sec-
6 tion 251 of such Act; and

7 (2) shall be entered on the PAYGO scorecards
8 maintained pursuant to section 4(d) of the Statutory
9 Pay-As-You-Go Act of 2010.

10 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
11 TION.—Solely for the purpose of calculating a breach with-
12 in a category for fiscal year 2020 pursuant to section
13 251(a)(6) or section 254(g) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985, and notwith-
15 standing any other provision of this division, the budg-
16 etary effects from this division shall be counted as
17 amounts designated as being for an emergency require-
18 ment pursuant to section 251(b)(2)(A) of such Act.

19

20 This division may be cited as the “Coronavirus Re-
21 covery Supplemental Appropriations Act, 2020”.

1 **DIVISION B—REVENUE PROVISIONS**

2 **SEC. 20001. SHORT TITLE.**

3 This division may be cited as the “COVID–19 Tax
4 Relief Act of 2020”.

5 **TITLE I—ECONOMIC STIMULUS**

6 **Subtitle A—2020 Recovery Rebate Improvements**

7 **SEC. 20101. DEPENDENTS TAKEN INTO ACCOUNT IN DETER-**
8 **MINING CREDIT AND REBATES.**

9 (a) **IN GENERAL.**—Section 6428(a)(2) of the Internal
10 Revenue Code of 1986 is amended by striking “qualifying
11 children (within the meaning of section 24(c))” and insert-
12 ing “dependents (as defined in section 152)”.

13 (b) **CONFORMING AMENDMENTS.**—

14 (1) Section 6428(g) of such Code is amended
15 by striking “qualifying child” each place it appears
16 and inserting “dependent”.

17 (2) Section 6428(g)(2)(B) of such Code is
18 amended by striking “such child” and inserting
19 “such dependent”.

20 (c) **EFFECTIVE DATE.**—The amendments made by
21 this section shall take effect as if included in section 2201
22 of the CARES Act.

1 **SEC. 20102. INDIVIDUALS PROVIDING TAXPAYER IDENTI-**
2 **FICATION NUMBERS TAKEN INTO ACCOUNT**
3 **IN DETERMINING CREDIT AND REBATES.**

4 (a) IN GENERAL.—Section 6428(g) of the Internal
5 Revenue Code of 1986, as amended by section 20101 of
6 this Act, is amended to read as follows:

7 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

8 “(1) IN GENERAL.—The \$1,200 amount in sub-
9 section (a)(1) shall be treated as being zero unless
10 the taxpayer includes the TIN of the taxpayer on
11 the return of tax for the taxable year.

12 “(2) JOINT RETURNS.—In the case of a joint
13 return, the \$2,400 amount in subsection (a)(1) shall
14 be treated as being—

15 “(A) zero if the TIN of neither spouse is
16 included on the return of tax for the taxable
17 year, and

18 “(B) \$1,200 if the TIN of only one spouse
19 is so included.

20 “(3) DEPENDENTS.—A dependent shall not be
21 taken into account under subsection (a)(2) unless
22 the TIN of such dependent is included on the return
23 of tax for the taxable year.

24 “(4) COORDINATION WITH CERTAIN ADVANCE
25 PAYMENTS.—In the case of any payment made pur-
26 suant to subsection (f)(5)(B), a TIN shall be treated

1 for purposes of this subsection as included on the
2 taxpayer's return of tax if such TIN is provided pur-
3 suant to such subsection.

4 “(5) MATHEMATICAL OR CLERICAL ERROR AU-
5 THORITY.—Any omission of a correct TIN required
6 under this subsection shall be treated as a mathe-
7 matical or clerical error for purposes of applying sec-
8 tion 6213(g)(2) to such omission.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect as if included in section 2201
11 of the CARES Act.

12 **SEC. 20103. 2020 RECOVERY REBATES NOT SUBJECT TO RE-**
13 **DUCTION OR OFFSET WITH RESPECT TO**
14 **PAST-DUE SUPPORT.**

15 (a) IN GENERAL.—Section 2201(d)(2) of the CARES
16 Act is amended by inserting “(c),” before “(d)”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to credits and refunds allowed or
19 made after the date of the enactment of this Act.

20 **SEC. 20104. PROTECTION OF 2020 RECOVERY REBATES.**

21 (a) IN GENERAL.—Subsection (d) of section 2201 of
22 the CARES Act, as amended by the preceding provisions
23 of this Act, is amended—

1 (1) by redesignating paragraphs (1), (2), and
2 (3) as subparagraphs (A), (B), and (C), and by mov-
3 ing such subparagraphs 2 ems to the right,

4 (2) by striking “REDUCTION OR OFFSET.—Any
5 credit” and inserting “REDUCTION, OFFSET, GAR-
6 NISHMENT, ETC.—

7 “(1) IN GENERAL.—Any credit”, and

8 (3) by adding at the end the following new
9 paragraphs:

10 “(2) ASSIGNMENT OF BENEFITS.—

11 “(A) IN GENERAL.—Any applicable pay-
12 ment shall not be subject to transfer, assign-
13 ment, execution, levy, attachment, garnishment,
14 or other legal process, or the operation of any
15 bankruptcy or insolvency law, to the same ex-
16 tent as payments described in section 207 of
17 the Social Security Act (42 U.S.C. 407) without
18 regard to subsection (b) thereof.

19 “(B) ENCODING OF PAYMENTS.—As soon
20 as practicable after the date of the enactment
21 of this paragraph, the Secretary of the Treas-
22 ury shall encode applicable payments that are
23 paid electronically to any account—

24 “(i) with a unique identifier that is
25 reasonably sufficient to allow a financial

1 institution to identify the payment as a
2 payment protected under subparagraph
3 (A), and

4 “(ii) pursuant to the same specifica-
5 tions as required for a benefit payment to
6 which part 212 of title 31, Code of Federal
7 regulations applies.

8 “(C) GARNISHMENT.—

9 “(i) ENCODED PAYMENTS.—Upon re-
10 ceipt of a garnishment order that applies
11 to an account that has received an applica-
12 ble payment that is encoded as provided in
13 subparagraph (B), a financial institution
14 shall follow the requirements and proce-
15 dures set forth in part 212 of title 31,
16 Code of Federal Regulations. This para-
17 graph shall not alter the status of pay-
18 ments as tax refunds or other nonbenefit
19 payments for purpose of any reclamation
20 rights of the Department of Treasury or
21 the Internal Revenue Service as per part
22 210 of title 31 of the Code of Federal Reg-
23 ulations.

24 “(ii) OTHER PAYMENTS.—If a finan-
25 cial institution receives a garnishment

1 order (other than an order that has been
2 served by the United States) that applies
3 to an account into which an applicable
4 payment that has not been encoded as pro-
5 vided in subparagraph (B) has been depos-
6 ited on any date in the prior 60 days (in-
7 cluding any date before the date of the en-
8 actment of this paragraph), the financial
9 institution, upon the request of the account
10 holder or for purposes of complying in
11 good faith with a State order, State law,
12 court order, or interpretation by a State
13 Attorney General relating to garnishment
14 order, may, but is not required to, treat
15 the amount of the payment as exempt
16 under law from garnishment without re-
17 quiring the account holder to assert any
18 right of garnishment exemption or requir-
19 ing the consent of the judgment creditor.

20 “(iii) LIABILITY.—A financial institu-
21 tion that complies in good faith with clause
22 (i) or that acts in good faith in reliance on
23 clause (ii) shall not be liable under any
24 Federal or State law, regulation, or court
25 or other order to a creditor that initiates

1 an order for any protected amounts, to an
2 account holder for any frozen amounts or
3 garnishment order applied.

4 “(D) DEFINITIONS.—For purposes of this
5 paragraph—

6 “(i) ACCOUNT HOLDER.—The term
7 ‘account holder’ means a natural person
8 against whom a garnishment order is
9 issued and whose name appears in a finan-
10 cial institution’s records.

11 “(ii) APPLICABLE PAYMENT.—The
12 term ‘applicable payment’ means any pay-
13 ment of credit or refund by reason of sec-
14 tion 6428 of such Code (as so added) or by
15 reason of subsection (c) of this section.

16 “(iii) GARNISHMENT.—The term ‘gar-
17 nishment’ means execution, levy, attach-
18 ment, garnishment, or other legal process.

19 “(iv) GARNISHMENT ORDER.—The
20 term ‘garnishment order’ means a writ,
21 order, notice, summons, judgment, levy, or
22 similar written instruction issued by a
23 court, a State or State agency, a munici-
24 pality or municipal corporation, or a State
25 child support enforcement agency, includ-

1 ing a lien arising by operation of law for
2 overdue child support or an order to freeze
3 the assets in an account, to effect a gar-
4 nishment against a debtor.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall take effect on the date of the enactment
7 of this Act.

8 **SEC. 20105. PAYMENTS TO REPRESENTATIVE PAYEES AND**
9 **FIDUCIARIES.**

10 (a) **IN GENERAL.**—Section 6428(f) of the Internal
11 Revenue Code of 1986 is amended by redesignating para-
12 graph (6) as paragraph (7) and by inserting after para-
13 graph (5) the following new paragraph:

14 “(6) **PAYMENT TO REPRESENTATIVE PAYEES**
15 **AND FIDUCIARIES.**—

16 “(A) **IN GENERAL.**—In the case of any in-
17 dividual for which payment information is pro-
18 vided to the Secretary by the Commissioner of
19 Social Security, the Railroad Retirement Board,
20 or the Secretary of Veterans Affairs, the pay-
21 ment by the Secretary under paragraph (3)
22 with respect to such individual may be made to
23 such individual’s representative payee or fidu-
24 ciary and the entire payment shall be—

1 “(i) provided to the individual who is
2 entitled to the payment, or

3 “(ii) used only for the benefit of the
4 individual who is entitled to the payment.

5 “(B) APPLICATION OF ENFORCEMENT
6 PROVISIONS.—

7 “(i) In the case of a payment de-
8 scribed in subparagraph (A) which is made
9 with respect to a social security beneficiary
10 or a supplemental security income recipi-
11 ent, section 1129(a)(3) of the Social Secu-
12 rity Act (42 U.S.C. 1320a–8(a)(3)) shall
13 apply to such payment in the same manner
14 as such section applies to a payment under
15 title II or XVI of such Act.

16 “(ii) In the case of a payment de-
17 scribed in subparagraph (A) which is made
18 with respect to a railroad retirement bene-
19 ficiary, section 13 of the Railroad Retire-
20 ment Act (45 U.S.C. 2311) shall apply to
21 such payment in the same manner as such
22 section applies to a payment under such
23 Act.

24 “(iii) In the case of a payment de-
25 scribed in subparagraph (A) which is made

1 with respect to a veterans beneficiary, sec-
2 tions 5502, 6106, and 6108 of title 38,
3 United States Code, shall apply to such
4 payment in the same manner as such sec-
5 tions apply to a payment under such
6 title.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in section 2201
9 of the CARES Act.

10 **SEC. 20106. APPLICATION TO TAXPAYERS WITH RESPECT**
11 **TO WHOM ADVANCE PAYMENT HAS ALREADY**
12 **BEEN MADE.**

13 In the case of any taxpayer with respect to whom re-
14 fund or credit was made or allowed before the date of the
15 enactment of this Act under subsection (f) of section 6428
16 of the Internal Revenue Code of 1986 (as added by the
17 CARES Act), such subsection shall be applied separately
18 with respect to the excess (if any) of—

19 (1) the advance refund amount determined
20 under section 6428(f)(2) of such Code after the ap-
21 plication of the amendments made by this subtitle,
22 over

23 (2) the amount of such refund or credit so
24 made or allowed.

1 Subtitle B—Additional Recovery Rebates to Individuals

2 **SEC. 20111. ADDITIONAL RECOVERY REBATES TO INDIVID-**
3 **UALS.**

4 (a) IN GENERAL.—Subchapter B of chapter 65 of the
5 Internal Revenue Code of 1986 is amended by inserting
6 after section 6428 the following new section:

7 **“SEC. 6428A. ADDITIONAL RECOVERY REBATES TO INDIVID-**
8 **UALS.**

9 “(a) IN GENERAL.—In the case of an eligible indi-
10 vidual, there shall be allowed as a credit against the tax
11 imposed by subtitle A for the first taxable year beginning
12 in 2020 an amount equal to the additional rebate amount
13 determined for such taxable year.

14 “(b) ADDITIONAL REBATE AMOUNT.—For purposes
15 of this section, the term ‘additional rebate amount’ means,
16 with respect to any taxpayer for any taxable year, the sum
17 of—

18 “(1) \$1,200 (\$2,400 in the case of a joint re-
19 turn), plus

20 “(2) \$1,200 multiplied by the number of de-
21 pendents of the taxpayer for such taxable year (not
22 in excess of 3 such dependents).

23 “(c) ELIGIBLE INDIVIDUAL.—For purposes of this
24 section, the term ‘eligible individual’ means any individual
25 other than—

1 “(1) any nonresident alien individual,

2 “(2) any individual with respect to whom a de-
3 duction under section 151 is allowable to another
4 taxpayer for a taxable year beginning in the cal-
5 endar year in which the individual’s taxable year be-
6 gins, and

7 “(3) an estate or trust.

8 “(d) LIMITATION BASED ON MODIFIED ADJUSTED
9 GROSS INCOME.—The amount of the credit allowed by
10 subsection (a) (determined without regard to this sub-
11 section and subsection (f)) shall be reduced (but not below
12 zero) by 5 percent of so much of the taxpayer’s modified
13 adjusted gross income as exceeds—

14 “(1) \$150,000 in the case of a joint return or
15 a surviving spouse (as defined in section 2(a)),

16 “(2) \$112,500 in the case of a head of house-
17 hold (as defined in section 2(b)), and

18 “(3) \$75,000 in any other case.

19 “(e) DEFINITIONS AND SPECIAL RULES.—

20 “(1) MODIFIED ADJUSTED GROSS INCOME.—
21 For purposes of this subsection (other than this
22 paragraph), the term ‘modified adjusted gross in-
23 come’ means adjusted gross income determined with-
24 out regard to sections 911, 931, and 933.

1 “(2) DEPENDENT DEFINED.—For purposes of
2 this section, the term ‘dependent’ has the meaning
3 given such term by section 152.

4 “(3) CREDIT TREATED AS REFUNDABLE.—The
5 credit allowed by subsection (a) shall be treated as
6 allowed by subpart C of part IV of subchapter A of
7 chapter 1.

8 “(4) IDENTIFICATION NUMBER REQUIRE-
9 MENT.—

10 “(A) IN GENERAL.—The \$1,200 amount in
11 subsection (b)(1) shall be treated as being zero
12 unless the taxpayer includes the TIN of the
13 taxpayer on the return of tax for the taxable
14 year.

15 “(B) JOINT RETURNS.—In the case of a
16 joint return, the \$2,400 amount in subsection
17 (b)(1) shall be treated as being—

18 “(i) zero if the TIN of neither spouse
19 is included on the return of tax for the
20 taxable year, and

21 “(ii) \$1,200 if the TIN of only one
22 spouse is so included.

23 “(C) DEPENDENTS.—A dependent shall
24 not be taken into account under subsection

1 (b)(2) unless the TIN of such dependent is in-
2 cluded on the return of tax for the taxable year.

3 “(D) COORDINATION WITH CERTAIN AD-
4 VANCE PAYMENTS.—In the case of any payment
5 made pursuant to subsection (g)(5)(A)(ii), a
6 TIN shall be treated for purposes of this para-
7 graph as included on the taxpayer’s return of
8 tax if such TIN is provided pursuant to such
9 subsection.

10 “(f) COORDINATION WITH ADVANCE REFUNDS OF
11 CREDIT.—

12 “(1) REDUCTION OF REFUNDABLE CREDIT.—
13 The amount of the credit which would (but for this
14 paragraph) be allowable under subsection (a) shall
15 be reduced (but not below zero) by the aggregate re-
16 funds and credits made or allowed to the taxpayer
17 (or any dependent of the taxpayer) under subsection
18 (g). Any failure to so reduce the credit shall be
19 treated as arising out of a mathematical or clerical
20 error and assessed according to section 6213(b)(1).

21 “(2) JOINT RETURNS.—In the case of a refund
22 or credit made or allowed under subsection (g) with
23 respect to a joint return, half of such refund or cred-
24 it shall be treated as having been made or allowed
25 to each individual filing such return.

1 “(g) ADVANCE REFUNDS AND CREDITS.—

2 “(1) IN GENERAL.—Subject to paragraph (5),
3 each individual who was an eligible individual for
4 such individual’s first taxable year beginning in
5 2019 shall be treated as having made a payment
6 against the tax imposed by chapter 1 for such tax-
7 able year in an amount equal to the advance refund
8 amount for such taxable year.

9 “(2) ADVANCE REFUND AMOUNT.—For pur-
10 poses of paragraph (1), the advance refund amount
11 is the amount that would have been allowed as a
12 credit under this section for such taxable year if this
13 section (other than subsection (f) and this sub-
14 section) had applied to such taxable year.

15 “(3) TIMING AND MANNER OF PAYMENTS.—

16 “(A) TIMING.—The Secretary shall, sub-
17 ject to the provisions of this title, refund or
18 credit any overpayment attributable to this sec-
19 tion as rapidly as possible. No refund or credit
20 shall be made or allowed under this subsection
21 after December 31, 2020.

22 “(B) DELIVERY OF PAYMENTS.—Notwith-
23 standing any other provision of law, the Sec-
24 retary may certify and disburse refunds payable
25 under this subsection electronically to any ac-

1 count to which the payee authorized, on or after
2 January 1, 2018, the delivery of a refund of
3 taxes under this title or of a Federal payment
4 (as defined in section 3332 of title 31, United
5 States Code).

6 “(C) WAIVER OF CERTAIN RULES.—Not-
7 withstanding section 3325 of title 31, United
8 States Code, or any other provision of law, with
9 respect to any payment of a refund under this
10 subsection, a disbursing official in the executive
11 branch of the United States Government may
12 modify payment information received from an
13 officer or employee described in section
14 3325(a)(1)(B) of such title for the purpose of
15 facilitating the accurate and efficient delivery of
16 such payment. Except in cases of fraud or reck-
17 less neglect, no liability under sections 3325,
18 3527, 3528, or 3529 of title 31, United States
19 Code, shall be imposed with respect to pay-
20 ments made under this subparagraph.

21 “(4) NO INTEREST.—No interest shall be al-
22 lowed on any overpayment attributable to this sec-
23 tion.

24 “(5) APPLICATION TO INDIVIDUALS WHO DO
25 NOT FILE A RETURN OF TAX FOR 2019.—

1 “(A) IN GENERAL.—In the case of an indi-
2 vidual who, at the time of any determination
3 made pursuant to paragraph (3), has not filed
4 a tax return for the year described in para-
5 graph (1), the Secretary shall—

6 “(i) apply paragraph (1) by sub-
7 stituting ‘2018’ for ‘2019’, and

8 “(ii) in the case of a specified indi-
9 vidual who has not filed a tax return for
10 such individual’s first taxable year begin-
11 ning in 2018, determine the advance re-
12 fund amount with respect to such indi-
13 vidual without regard to subsections (d)
14 and on the basis of information with re-
15 spect to such individual which is provided
16 by—

17 “(I) in the case of a specified so-
18 cial security beneficiary or a specified
19 supplemental security income recipi-
20 ent, the Commissioner of Social Secu-
21 rity,

22 “(II) in the case of a specified
23 railroad retirement beneficiary, the
24 Railroad Retirement Board, and

1 “(III) in the case of a specified
2 veterans beneficiary, the Secretary of
3 Veterans Affairs (in coordination
4 with, and with the assistance of, the
5 Commissioner of Social Security if ap-
6 propriate).

7 “(B) SPECIFIED INDIVIDUAL.—For pur-
8 poses of this paragraph, the term ‘specified in-
9 dividual’ means any individual who is—

10 “(i) a specified social security bene-
11 ficiary,

12 “(ii) a specified supplemental security
13 income recipient,

14 “(iii) a specified railroad retirement
15 beneficiary, or

16 “(iv) a specified veterans beneficiary.

17 “(C) SPECIFIED SOCIAL SECURITY BENE-
18 FICIARY.—For purposes of this paragraph—

19 “(i) IN GENERAL.—The term ‘speci-
20 fied social security beneficiary’ means any
21 individual who, for the last month that
22 ends prior to the date of enactment of this
23 section, is entitled to any monthly insur-
24 ance benefit payable under title II of the
25 Social Security Act (42 U.S.C. 401 et

1 seq.), including payments made pursuant
2 to sections 202(d), 223(g), and 223(i)(7)
3 of such Act.

4 “(ii) EXCEPTION.—Such term shall
5 not include any individual if such benefit is
6 not payable for such month by reason of
7 section 202(x) of the Social Security Act
8 (42 U.S.C. 402(x)) or section 1129A of
9 such Act (42 U.S.C. 1320a–8a).

10 “(D) SPECIFIED SUPPLEMENTAL SECUR-
11 RITY INCOME RECIPIENT.—For purposes of this
12 paragraph—

13 “(i) IN GENERAL.—The term ‘speci-
14 fied supplemental security income recipi-
15 ent’ means any individual who, for the last
16 month that ends prior to the date of enact-
17 ment of this section, is eligible for a
18 monthly benefit payable under title XVI of
19 the Social Security Act (42 U.S.C. 1381 et
20 seq.) (other than a benefit to an individual
21 described in section 1611(e)(1)(B) of such
22 Act (42 U.S.C. 1382(e)(1)(B)), includ-
23 ing—

1 “(I) payments made pursuant to
2 section 1614(a)(3)(C) of such Act (42
3 U.S.C. 1382e(a)(3)(C)),

4 “(II) payments made pursuant to
5 section 1619(a) (42 U.S.C. 1382h) or
6 subsections (a)(4), (a)(7), or (p)(7) of
7 section 1631 (42 U.S.C. 1383) of
8 such Act, and

9 “(III) State supplementary pay-
10 ments of the type referred to in sec-
11 tion 1616(a) of such Act (42 U.S.C.
12 1382e(a)) (or payments of the type
13 described in section 212(a) of Public
14 Law 93–66) which are paid by the
15 Commissioner under an agreement re-
16 ferred to in such section 1616(a) (or
17 section 212(a) of Public Law 93–66).

18 “(ii) EXCEPTION.—Such term shall
19 not include any individual if such monthly
20 benefit is not payable for such month by
21 reason of subsection (e)(1)(A) or (e)(4) of
22 section 1611 (42 U.S.C. 1382) or section
23 1129A of such Act (42 U.S.C. 1320a–8a).

24 “(E) SPECIFIED RAILROAD RETIREMENT
25 BENEFICIARY.—For purposes of this para-

1 graph, the term ‘specified railroad retirement
2 beneficiary’ means any individual who, for the
3 last month that ends prior to the date of enact-
4 ment of this section, is entitled to a monthly
5 annuity or pension payment payable (without
6 regard to section 5(a)(ii) of the Railroad Retire-
7 ment Act of 1974 (45 U.S.C. 231d(a)(ii)))
8 under—

9 “(i) section 2(a)(1) of such Act (45
10 U.S.C. 231a(a)(1)),

11 “(ii) section 2(c) of such Act (45
12 U.S.C. 231a(c)),

13 “(iii) section 2(d)(1) of such Act (45
14 U.S.C. 231a(d)(1)), or

15 “(iv) section 7(b)(2) of such Act (45
16 U.S.C. 231f(b)(2)) with respect to any of
17 the benefit payments described in subpara-
18 graph (C)(i).

19 “(F) SPECIFIED VETERANS BENE-
20 FICIARY.—For purposes of this paragraph—

21 “(i) IN GENERAL.—The term ‘speci-
22 fied veterans beneficiary’ means any indi-
23 vidual who, for the last month that ends
24 prior to the date of enactment of this sec-

1 tion, is entitled to a compensation or pen-
2 sion payment payable under—

3 “(I) section 1110, 1117, 1121,
4 1131, 1141, or 1151 of title 38,
5 United States Code,

6 “(II) section 1310, 1312, 1313,
7 1315, 1316, or 1318 of title 38,
8 United States Code,

9 “(III) section 1513, 1521, 1533,
10 1536, 1537, 1541, 1542, or 1562 of
11 title 38, United States Code, or

12 “(IV) section 1805, 1815, or
13 1821 of title 38, United States Code,
14 to a veteran, surviving spouse, child, or
15 parent as described in paragraph (2), (3),
16 (4)(A)(ii), or (5) of section 101, title 38,
17 United States Code.

18 “(ii) EXCEPTION.—Such term shall
19 not include any individual if such com-
20 pensation or pension payment is not pay-
21 able, or was reduced, for such month by
22 reason of section 1505, 5313, or 5313B of
23 title 38, United States Code.

24 “(G) SUBSEQUENT DETERMINATIONS AND
25 REDETERMINATIONS NOT TAKEN INTO AC-

1 COUNT.—For purposes of this section, any indi-
2 vidual’s status as a specified social security ben-
3 eficiary, a specified supplemental security in-
4 come recipient, a specified railroad retirement
5 beneficiary, or a specified veterans beneficiary
6 shall be unaffected by any determination or re-
7 determination of any entitlement to, or eligi-
8 bility for, any benefit, payment, or compensa-
9 tion, if such determination or redetermination
10 occurs after the last month that ends prior to
11 the date of enactment of this section.

12 “(H) PAYMENT TO REPRESENTATIVE PAY-
13 EES AND FIDUCIARIES.—

14 “(i) IN GENERAL.—If the benefit,
15 payment, or compensation referred to in
16 subparagraph (C)(i), (D)(i), (E), or (F)(i)
17 with respect to any specified individual is
18 paid to a representative payee or fiduciary,
19 payment by the Secretary under paragraph
20 (3) with respect to such specified indi-
21 vidual shall be made to such individual’s
22 representative payee or fiduciary and the
23 entire payment shall be used only for the
24 benefit of the individual who is entitled to
25 the payment.

1 “(ii) APPLICATION OF ENFORCEMENT
2 PROVISIONS.—

3 “(I) In the case of a payment de-
4 scribed in clause (i) which is made
5 with respect to a specified social secu-
6 rity beneficiary or a specified supple-
7 mental security income recipient, sec-
8 tion 1129(a)(3) of the Social Security
9 Act (42 U.S.C. 1320a–8(a)(3)) shall
10 apply to such payment in the same
11 manner as such section applies to a
12 payment under title II or XVI of such
13 Act.

14 “(II) In the case of a payment
15 described in clause (i) which is made
16 with respect to a specified railroad re-
17 tirement beneficiary, section 13 of the
18 Railroad Retirement Act (45 U.S.C.
19 2311) shall apply to such payment in
20 the same manner as such section ap-
21 plies to a payment under such Act.

22 “(III) In the case of a payment
23 described in clause (i) which is made
24 with respect to a specified veterans
25 beneficiary, sections 5502, 6106, and

1 6108 of title 38, United States Code,
2 shall apply to such payment in the
3 same manner as such sections apply
4 to a payment under such title.

5 “(6) NOTICE TO TAXPAYER.—Not later than 15
6 days after the date on which the Secretary distrib-
7 uted any payment to an eligible taxpayer pursuant
8 to this subsection, notice shall be sent by mail to
9 such taxpayer’s last known address. Such notice
10 shall indicate the method by which such payment
11 was made, the amount of such payment, and a
12 phone number for the appropriate point of contact
13 at the Internal Revenue Service to report any error
14 with respect to such payment.

15 “(h) REGULATIONS.—The Secretary shall prescribe
16 such regulations or other guidance as may be necessary
17 or appropriate to carry out the purposes of this section,
18 including—

19 “(1) regulations or other guidance providing
20 taxpayers the opportunity to provide the Secretary
21 information sufficient to allow the Secretary to make
22 payments to such taxpayers under subsection (g)
23 (including the determination of the amount of such
24 payment) if such information is not otherwise avail-
25 able to the Secretary, and

1 “(2) regulations or other guidance providing for
2 the proper treatment of joint returns and taxpayers
3 with dependents to ensure that an individual is not
4 taken into account more than once in determining
5 the amount of any credit under subsection (a) and
6 any credit or refund under subsection (g).

7 “(i) OUTREACH.—The Secretary shall carry out a ro-
8 bust and comprehensive outreach program to ensure that
9 all taxpayers described in subsection (h)(1) learn of their
10 eligibility for the advance refunds and credits under sub-
11 section (g); are advised of the opportunity to receive such
12 advance refunds and credits as provided under subsection
13 (h)(1); and are provided assistance in applying for such
14 advance refunds and credits. In conducting such outreach
15 program, the Secretary shall coordinate with other govern-
16 ment, State, and local agencies; federal partners; and com-
17 munity-based nonprofit organizations that regularly inter-
18 face with such taxpayers.”.

19 (b) TREATMENT OF CERTAIN POSSESSIONS.—

20 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
21 CODE TAX SYSTEMS.—The Secretary of the Treas-
22 ury shall pay to each possession of the United States
23 which has a mirror code tax system amounts equal
24 to the loss (if any) to that possession by reason of
25 the amendments made by this section. Such

1 amounts shall be determined by the Secretary of the
2 Treasury based on information provided by the gov-
3 ernment of the respective possession.

4 (2) PAYMENTS TO OTHER POSSESSIONS.—The
5 Secretary of the Treasury shall pay to each posses-
6 sion of the United States which does not have a mir-
7 ror code tax system amounts estimated by the Sec-
8 retary of the Treasury as being equal to the aggre-
9 gate benefits (if any) that would have been provided
10 to residents of such possession by reason of the
11 amendments made by this section if a mirror code
12 tax system had been in effect in such possession.
13 The preceding sentence shall not apply unless the re-
14 spective possession has a plan, which has been ap-
15 proved by the Secretary of the Treasury, under
16 which such possession will promptly distribute such
17 payments to its residents.

18 (3) COORDINATION WITH CREDIT ALLOWED
19 AGAINST UNITED STATES INCOME TAXES.—No cred-
20 it shall be allowed against United States income
21 taxes under section 6428A of the Internal Revenue
22 Code of 1986 (as added by this section), nor shall
23 any credit or refund be made or allowed under sub-
24 section (g) of such section, to any person—

1 (A) to whom a credit is allowed against
2 taxes imposed by the possession by reason of
3 the amendments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (2).

6 (4) MIRROR CODE TAX SYSTEM.—For purposes
7 of this subsection, the term “mirror code tax sys-
8 tem” means, with respect to any possession of the
9 United States, the income tax system of such posses-
10 sion if the income tax liability of the residents of
11 such possession under such system is determined by
12 reference to the income tax laws of the United
13 States as if such possession were the United States.

14 (c) ADMINISTRATIVE PROVISIONS.—

15 (1) DEFINITION OF DEFICIENCY.—Section
16 6211(b)(4)(A) of the Internal Revenue Code of 1986
17 is amended by striking “and 6428” and inserting
18 “6428, and 6428A”.

19 (2) MATHEMATICAL OR CLERICAL ERROR AU-
20 THORITY.—Section 6213(g)(2) of such Code is
21 amended—

22 (A) by inserting “or section 6428A (relat-
23 ing to additional recovery rebates to individ-
24 uals)” before the comma at the end of subpara-
25 graph (H), and

1 (B) by striking “or 6428” in subparagraph
2 (L) and inserting “6428, or 6428A”.

3 (3) EXCEPTION FROM REDUCTION OR OFF-
4 SET.—Any credit or refund allowed or made to any
5 individual by reason of section 6428A of the Internal
6 Revenue Code of 1986 (as added by this section) or
7 by reason of subsection (b) of this section shall not
8 be—

9 (A) subject to reduction or offset pursuant
10 to section 3716 or 3720A of title 31, United
11 States Code,

12 (B) subject to reduction or offset pursuant
13 to subsection (c), (d), (e), or (f) of section 6402
14 of the Internal Revenue Code of 1986, or

15 (C) reduced or offset by other assessed
16 Federal taxes that would otherwise be subject
17 to levy or collection.

18 (4) ASSIGNMENT OF BENEFITS.—

19 (A) IN GENERAL.—Any applicable pay-
20 ment shall not be subject to transfer, assign-
21 ment, execution, levy, attachment, garnishment,
22 or other legal process, or the operation of any
23 bankruptcy or insolvency law, to the same ex-
24 tent as payments described in section 207 of

1 the Social Security Act (42 U.S.C. 407) without
2 regard to subsection (b) thereof.

3 (B) ENCODING OF PAYMENTS.—As soon as
4 practicable after the date of the enactment of
5 the paragraph, the Secretary of the Treasury
6 shall encode applicable payments that are paid
7 electronically to any account—

8 (i) with a unique identifier that is rea-
9 sonably sufficient to allow a financial insti-
10 tution to identify the payment as a pay-
11 ment protected under subparagraph (A),
12 and

13 (ii) pursuant to the same specifica-
14 tions as required for a benefit payment to
15 which part 212 of title 31, Code of Federal
16 regulations applies.

17 (C) GARNISHMENT.—

18 (i) ENCODED PAYMENTS.—Upon re-
19 ceipt of a garnishment order that applies
20 to an account that has received an applica-
21 ble payment that is encoded as provided in
22 subparagraph (B), a financial institution
23 shall follow the requirements and proce-
24 dures set forth in part 212 of title 31,
25 Code of Federal Regulations. This para-

1 graph shall not alter the status of pay-
2 ments as tax refunds or other nonbenefit
3 payments for purpose of any reclamation
4 rights of the Department of Treasury or
5 the Internal Revenue Service as per part
6 210 of title 31 of the Code of Federal Reg-
7 ulations.

8 (ii) OTHER PAYMENTS.—If a financial
9 institution receives a garnishment order
10 (other than an order that has been served
11 by the United States) that applies to an
12 account into which an applicable payment
13 that has not been encoded as provided in
14 subparagraph (B) has been deposited on
15 any date in the prior 60 days (including
16 any date before the date of the enactment
17 of this paragraph), the financial institu-
18 tion, upon the request of the account hold-
19 er or for purposes of complying in good
20 faith with a State order, State law, court
21 order, or interpretation by a State Attor-
22 ney General relating to garnishment order,
23 may, but is not required to, treat the
24 amount of the payment as exempt under
25 law from garnishment without requiring

1 the account holder to assert any right of
2 garnishment exemption or requiring the
3 consent of the judgment creditor.

4 (iii) LIABILITY.—A financial institu-
5 tion that complies in good faith with clause
6 (i) or that acts in good faith in reliance on
7 clause (ii) shall not be liable under any
8 Federal or State law, regulation, or court
9 or other order to a creditor that initiates
10 an order for any protected amounts, to an
11 account holder for any frozen amounts or
12 garnishment order applied.

13 (D) DEFINITIONS.—For purposes of this
14 paragraph—

15 (i) ACCOUNT HOLDER.—The term
16 “account holder” means a natural person
17 against whom a garnishment order is
18 issued and whose name appears in a finan-
19 cial institution’s records.

20 (ii) APPLICABLE PAYMENT.—The
21 term “applicable payment” means any pay-
22 ment of credit or refund by reason of sec-
23 tion 6428 of such Code (as so added) or by
24 reason of subsection (c) of this section.

1 (iii) GARNISHMENT.—The term “gar-
2 nishment” means execution, levy, attach-
3 ment, garnishment, or other legal process.

4 (iv) GARNISHMENT ORDER.—The
5 term “garnishment order” means a writ,
6 order, notice, summons, judgment, levy, or
7 similar written instruction issued by a
8 court, a State or State agency, a munici-
9 pality or municipal corporation, or a State
10 child support enforcement agency, includ-
11 ing a lien arising by operation of law for
12 overdue child support or an order to freeze
13 the assets in an account, to effect a gar-
14 nishment against a debtor.

15 (5) TREATMENT OF CREDIT AND ADVANCE PAY-
16 MENTS.—For purposes of section 1324 of title 31,
17 United States Code, any credit under section
18 6428A(a) of the Internal Revenue Code of 1986, any
19 credit or refund under section 6428A(g) of such
20 Code, and any payment under subsection (b) of this
21 section, shall be treated in the same manner as a re-
22 fund due from a credit provision referred to in sub-
23 section (b)(2) of such section 1324.

24 (6) AGENCY INFORMATION SHARING AND AS-
25 SISTANCE.—The Commissioner of Social Security,

1 the Railroad Retirement Board, and the Secretary of
2 Veterans Affairs shall each provide the Secretary of
3 the Treasury (or the Secretary's delegate) such in-
4 formation and assistance as the Secretary of the
5 Treasury (or the Secretary's delegate) may require
6 for purposes of making payments under section
7 6428A(g) of the Internal Revenue Code of 1986 to
8 individuals described in paragraph (5)(A)(ii) thereof.

9 (7) CLERICAL AMENDMENT.—The table of sec-
10 tions for subchapter B of chapter 65 of the Internal
11 Revenue Code of 1986 is amended by inserting after
12 the item relating to section 6428 the following new
13 item:

“Sec. 6428A. Additional recovery rebates to individuals.”.

14 (d) APPROPRIATIONS TO CARRY OUT THIS SEC-
15 TION.—

16 (1) IN GENERAL.—Immediately upon the enact-
17 ment of this Act, the following sums are appro-
18 priated, out of any money in the Treasury not other-
19 wise appropriated, for the fiscal year ending Sep-
20 tember 30, 2020—

21 (A) DEPARTMENT OF THE TREASURY.—

22 (i) For an additional amount for “De-
23 partment of the Treasury—Bureau of Fis-
24 cal Services—Salaries and Expenses”,

1 \$78,650,000, to remain available until
2 September 30, 2021.

3 (ii) For an additional amount for
4 “Department of the Treasury—Internal
5 Revenue Service—Taxpayer Services”,
6 \$298,700,000, to remain available until
7 September 30, 2021.

8 (iii) For an additional amount for
9 “Department of the Treasury—Internal
10 Revenue Service—Enforcement”,
11 \$37,200,000, to remain available until
12 September 30, 2021.

13 (iv) For an additional amount for
14 “Department of the Treasury—Internal
15 Revenue Service—Operations Support”,
16 \$185,000,000, to remain available until
17 September 30, 2021.

18 (v) For an additional amount for “De-
19 partment of the Treasury—Office of
20 Treasury Inspector General for Tax Ad-
21 ministration”, \$10,000,000, to remain
22 available until September 30, 2024, for
23 necessary expenses related to COVID–19
24 including carrying out investigations.

1 Amounts made available in appropriations
2 under clauses (ii), (iii), and (iv) of this subpara-
3 graph may be transferred between such appro-
4 priations upon the advance notification of the
5 Committees on Appropriations of the House of
6 Representatives and the Senate. Such transfer
7 authority is in addition to any other transfer
8 authority provided by law.

9 (B) SOCIAL SECURITY ADMINISTRATION.—
10 For an additional amount for “Social Security
11 Administration—Limitation on Administrative
12 Expenses”, \$40,500,000, to remain available
13 until September 30, 2021: Provided, that
14 \$2,500,000, to remain available until Sep-
15 tember 30, 2024, shall be transferred to “Social
16 Security Administration—Office of Inspector
17 General” for necessary expenses in carrying out
18 the provisions of the Inspector General Act of
19 1978.

20 (C) RAILROAD RETIREMENT BOARD.—For
21 an additional amount for “Railroad Retirement
22 Board—Limitation on Administration”, \$8,300,
23 to remain available until September 30, 2021.

24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by clauses (i) through (iv) paragraph (1)(A). Begin-
5 ning 90 days after enactment of this Act, the Sec-
6 retary of the Treasury shall submit a quarterly re-
7 port to the Committees on Appropriations of the
8 House of Representatives and the Senate detailing
9 the actual expenditure of such funds and the ex-
10 pected expenditure of such funds in the subsequent
11 quarter.

12 (e) CERTAIN REQUIREMENTS RELATED TO RECOV-
13 ERY REBATES AND ADDITIONAL RECOVERY REBATES.—

14 (1) SIGNATURES ON CHECKS AND NOTICES,
15 ETC., BY THE DEPARTMENT OF THE TREASURY.—

16 Any check issued to an individual by the Depart-
17 ment of the Treasury pursuant to section 6428 or
18 6428A of the Internal Revenue Code of 1986, and
19 any notice issued pursuant to section 6428(f)(6) or
20 section 6428A(g)(6) of such Code, may not be
21 signed by or otherwise bear the name, signature,
22 image or likeness of the President, the Vice Presi-
23 dent or any elected official or cabinet level officer of
24 the United States, or any individual who, with re-
25 spect to any of the aforementioned individuals, bears

1 any relationship described in subparagraphs (A)
2 through (G) of section 152(d)(2) of the Internal
3 Revenue Code of 1986.

4 (2) EFFECTIVE DATE.—Paragraph (1) shall
5 apply to checks and notices issued after the date of
6 the enactment of this Act.

7 (f) REPORTS TO CONGRESS.—Each week beginning
8 after the date of the enactment of this Act and beginning
9 before December 31, 2020, on Friday of such week, not
10 later than 3 p.m. Eastern Time, the Secretary of the
11 Treasury shall provide a written report to the Committee
12 on Ways and Means of the House of Representatives and
13 the Committee on Finance of the Senate. Such report shall
14 include the following information with respect to payments
15 made pursuant to each of sections 6428 and 6428A of
16 the Internal Revenue Code of 1986:

17 (1) The number of scheduled payments sent to
18 the Bureau of Fiscal Service for payment by direct
19 deposit or paper check for the following week (stated
20 separately for direct deposit and paper check).

21 (2) The total dollar amount of the scheduled
22 payments described in paragraph (1).

23 (3) The number of direct deposit payments re-
24 turned to the Department of the Treasury and the
25 total dollar value of such payments, for the week

1 ending on the day prior to the day on which the re-
2 port is provided.

3 (4) The total number of letters related to pay-
4 ments under section 6428 or 6428A of such Code
5 mailed to taxpayers during the week ending on the
6 day prior to the day on which the report is provided.

7 Subtitle C—Earned Income Tax Credit

8 **SEC. 20121. STRENGTHENING THE EARNED INCOME TAX**
9 **CREDIT FOR INDIVIDUALS WITH NO QUALI-**
10 **FYING CHILDREN.**

11 (a) SPECIAL RULES FOR 2020.—Section 32 of the
12 Internal Revenue Code of 1986 is amended by adding at
13 the end the following new subsection:

14 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
15 QUALIFYING CHILDREN.—In the case of any taxable year
16 beginning after December 31, 2019, and before January
17 1, 2021—

18 “(1) DECREASE IN MINIMUM AGE FOR CRED-
19 IT.—

20 “(A) IN GENERAL.—Subsection
21 (c)(1)(A)(ii)(II) shall be applied by substituting
22 ‘the applicable minimum age’ for ‘age 25’.

23 “(B) APPLICABLE MINIMUM AGE.—For
24 purposes of this paragraph, the term ‘applicable
25 minimum age’ means—

1 “(i) except as otherwise provided in
2 this subparagraph, age 19,

3 “(ii) in the case of a full-time student
4 (other than a qualified former foster youth
5 or a qualified homeless youth), age 25, and

6 “(iii) in the case of a qualified former
7 foster youth or a qualified homeless youth,
8 age 18.

9 “(C) FULL-TIME STUDENT.—For purposes
10 of this paragraph, the term ‘full-time student’
11 means, with respect to any taxable year, an in-
12 dividual who is an eligible student (as defined
13 in section 25A(b)(3)) during at least 5 calendar
14 months during the taxable year.

15 “(D) QUALIFIED FORMER FOSTER
16 YOUTH.—For purposes of this paragraph, the
17 term ‘qualified former foster youth’ means an
18 individual who—

19 “(i) on or after the date that such in-
20 dividual attained age 14, was in foster care
21 provided under the supervision or adminis-
22 tration of a State or tribal agency admin-
23 istering (or eligible to administer) a plan
24 under part B or part E of the Social Secu-
25 rity Act (without regard to whether Fed-

1 eral assistance was provided with respect
2 to such child under such part E), and

3 “(ii) provides (in such manner as the
4 Secretary may provide) consent for State
5 and tribal agencies which administer a
6 plan under part B or part E of the Social
7 Security Act to disclose to the Secretary
8 information related to the status of such
9 individual as a qualified former foster
10 youth.

11 “(E) QUALIFIED HOMELESS YOUTH.—For
12 purposes of this paragraph, the term ‘qualified
13 homeless youth’ means, with respect to any tax-
14 able year, an individual who—

15 “(i) is certified by a local educational
16 agency or a financial aid administrator
17 during such taxable year as being either an
18 unaccompanied youth who is a homeless
19 child or youth, or as unaccompanied, at
20 risk of homelessness, and self-supporting.
21 Terms used in the preceding sentence
22 which are also used in section 480(d)(1) of
23 the Higher Education Act of 1965 shall
24 have the same meaning as when used in
25 such section, and

1 “(ii) provides (in such manner as the
2 Secretary may provide) consent for local
3 educational agencies and financial aid ad-
4 ministrators to disclose to the Secretary in-
5 formation related to the status of such in-
6 dividual as a qualified homeless youth.

7 “(2) INCREASE IN MAXIMUM AGE FOR CRED-
8 IT.—Subsection (c)(1)(A)(ii)(II) shall be applied by
9 substituting ‘age 66’ for ‘age 65’.

10 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
11 CENTAGES.—The table contained in subsection
12 (b)(1) shall be applied by substituting ‘15.3’ for
13 ‘7.65’ each place it appears therein.

14 “(4) INCREASE IN EARNED INCOME AND
15 PHASEOUT AMOUNTS.—

16 “(A) IN GENERAL.—The table contained in
17 subsection (b)(2)(A) shall be applied—

18 “(i) by substituting ‘\$9,720’ for
19 ‘\$4,220’, and

20 “(ii) by substituting ‘\$11,490’ for
21 ‘\$5,280’.

22 “(B) COORDINATION WITH INFLATION AD-
23 JUSTMENT.—Subsection (j) shall not apply to
24 any dollar amount specified in this paragraph.”.

1 (b) INFORMATION RETURN MATCHING.—As soon as
2 practicable, the Secretary of the Treasury (or the Sec-
3 retary’s delegate) shall develop and implement procedures
4 to use information returns under section 6050S (relating
5 to returns relating to higher education tuition and related
6 expenses) to check the status of individuals as full-time
7 students for purposes of section 32(n)(1)(B)(ii) of the In-
8 ternal Revenue Code of 1986 (as added by this section).

9 (c) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to taxable years beginning after
11 December 31, 2019.

12 **SEC. 20122. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED**
13 **INCOME CREDIT IN CASE OF QUALIFYING**
14 **CHILDREN WHO FAIL TO MEET CERTAIN**
15 **IDENTIFICATION REQUIREMENTS.**

16 (a) IN GENERAL.—Section 32(c)(1) of the Internal
17 Revenue Code of 1986 is amended by striking subpara-
18 graph (F).

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to taxable years beginning after
21 the date of the enactment of this Act.

22 **SEC. 20123. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
23 **RATED SPOUSES.**

24 (a) IN GENERAL.—Section 32(d) of the Internal Rev-
25 enue Code of 1986 is amended—

1 (1) by striking “MARRIED INDIVIDUALS.—In
2 the case of” and inserting the following: “MARRIED
3 INDIVIDUALS.—

4 “(1) IN GENERAL.—In the case of”, and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) DETERMINATION OF MARITAL STATUS.—

8 For purposes of this section—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), marital status shall be deter-
11 mined under section 7703(a).

12 “(B) SPECIAL RULE FOR SEPARATED
13 SPOUSE.—An individual shall not be treated as
14 married if such individual—

15 “(i) is married (as determined under
16 section 7703(a)) and does not file a joint
17 return for the taxable year,

18 “(ii) lives with a qualifying child of
19 the individual for more than one-half of
20 such taxable year, and

21 “(iii)(I) during the last 6 months of
22 such taxable year, does not have the same
23 principal place of abode as the individual’s
24 spouse, or

1 “(II) has a decree, instrument, or
2 agreement (other than a decree of divorce)
3 described in section 121(d)(3)(C) with re-
4 spect to the individual’s spouse and is not
5 a member of the same household with the
6 individual’s spouse by the end of the tax-
7 able year.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 32(c)(1)(A) of such Code is amend-
10 ed by striking the last sentence.

11 (2) Section 32(c)(1)(E)(ii) of such Code is
12 amended by striking “(within the meaning of section
13 7703)”.

14 (3) Section 32(d)(1) of such Code, as amended
15 by subsection (a), is amended by striking “(within
16 the meaning of section 7703)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 the date of the enactment of this Act.

20 **SEC. 20124. ELIMINATION OF DISQUALIFIED INVESTMENT**
21 **INCOME TEST.**

22 (a) IN GENERAL.—Section 32 of the Internal Rev-
23 enue Code of 1986 is amended by striking subsection (i).

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 32(j)(1) of such Code is amended
2 by striking “subsections (b)(2) and (i)(1)” and in-
3 serting “subsection (b)(2)”.

4 (2) Section 32(j)(1)(B)(i) of such Code is
5 amended by striking “subsections (b)(2)(A) and
6 (i)(1)” and inserting “subsection (b)(2)(A)”.

7 (3) Section 32(j)(2) of such Code is amended—
8 (A) by striking subparagraph (B), and
9 (B) by striking “ROUNDING.—” and all
10 that follows through “If any dollar amount”
11 and inserting the following: “ROUNDING.—If
12 any dollar amount”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 the date of the enactment of this Act.

16 **SEC. 20125. APPLICATION OF EARNED INCOME TAX CREDIT**
17 **IN POSSESSIONS OF THE UNITED STATES.**

18 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
19 enue Code of 1986 is amended by adding at the end the
20 following new section:

21 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**
22 **TO POSSESSIONS OF THE UNITED STATES.**

23 “(a) PUERTO RICO.—

24 “(1) IN GENERAL.—With respect to calendar
25 year 2021 and each calendar year thereafter, the

1 Secretary shall, except as otherwise provided in this
2 subsection, make payments to Puerto Rico equal
3 to—

4 “(A) the specified matching amount for
5 such calendar year, plus

6 “(B) in the case of calendar years 2021
7 through 2025, the lesser of—

8 “(i) the expenditures made by Puerto
9 Rico during such calendar year for edu-
10 cation efforts with respect to individual
11 taxpayers and tax return preparers relat-
12 ing to the earned income tax credit, or

13 “(ii) \$1,000,000.

14 “(2) REQUIREMENT TO REFORM EARNED IN-
15 COME TAX CREDIT.—The Secretary shall not make
16 any payments under paragraph (1) with respect to
17 any calendar year unless Puerto Rico has in effect
18 an earned income tax credit for taxable years begin-
19 ning in or with such calendar year which (relative to
20 the earned income tax credit which was in effect for
21 taxable years beginning in or with calendar year
22 2019) increases the percentage of earned income
23 which is allowed as a credit for each group of indi-
24 viduals with respect to which such percentage is sep-

1 arately stated or determined in a manner designed
2 to substantially increase workforce participation.

3 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
4 poses of this subsection—

5 “(A) IN GENERAL.—The term ‘specified
6 matching amount’ means, with respect to any
7 calendar year, the lesser of—

8 “(i) the excess (if any) of—

9 “(I) the cost to Puerto Rico of
10 the earned income tax credit for tax-
11 able years beginning in or with such
12 calendar year, over

13 “(II) the base amount for such
14 calendar year, or

15 “(ii) the product of 3, multiplied by
16 the base amount for such calendar year.

17 “(B) BASE AMOUNT.—

18 “(i) BASE AMOUNT FOR 2020.—In the
19 case of calendar year 2020, the term ‘base
20 amount’ means the greater of—

21 “(I) the cost to Puerto Rico of
22 the earned income tax credit for tax-
23 able years beginning in or with cal-
24 endar year 2019 (rounded to the
25 nearest multiple of \$1,000,000), or

1 “(II) \$200,000,000.

2 “(ii) INFLATION ADJUSTMENT.—In
3 the case of any calendar year after 2021,
4 the term ‘base amount’ means the dollar
5 amount determined under clause (i) in-
6 creased by an amount equal to—

7 “(I) such dollar amount, multi-
8 plied by—

9 “(II) the cost-of-living adjust-
10 ment determined under section 1(f)(3)
11 for such calendar year, determined by
12 substituting ‘calendar year 2020’ for
13 ‘calendar year 2016’ in subparagraph
14 (A)(ii) thereof.

15 Any amount determined under this clause
16 shall be rounded to the nearest multiple of
17 \$1,000,000.

18 “(4) RULES RELATED TO PAYMENTS AND RE-
19 PORTS.—

20 “(A) TIMING OF PAYMENTS.—The Sec-
21 retary shall make payments under paragraph
22 (1) for any calendar year—

23 “(i) after receipt of the report de-
24 scribed in subparagraph (B) for such cal-
25 endar year, and

1 “(ii) except as provided in clause (i),
2 within a reasonable period of time before
3 the due date for individual income tax re-
4 turns (as determined under the laws of
5 Puerto Rico) for taxable years which began
6 on the first day of such calendar year.

7 “(B) ANNUAL REPORTS.—With respect to
8 calendar year 2021 and each calendar year
9 thereafter, Puerto Rico shall provide to the Sec-
10 retary a report which shall include—

11 “(i) an estimate of the costs described
12 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
13 with respect to such calendar year, and

14 “(ii) a statement of such costs with
15 respect to the preceding calendar year.

16 “(C) ADJUSTMENTS.—

17 “(i) IN GENERAL.—In the event that
18 any estimate of an amount is more or less
19 than the actual amount as later deter-
20 mined and any payment under paragraph
21 (1) was determined on the basis of such
22 estimate, proper payment shall be made
23 by, or to, the Secretary (as the case may
24 be) as soon as practicable after the deter-
25 mination that such estimate was inac-

1 curate. Proper adjustment shall be made in
2 the amount of any subsequent payments
3 made under paragraph (1) to the extent
4 that proper payment is not made under the
5 preceding sentence before such subsequent
6 payments.

7 “(ii) ADDITIONAL REPORTS.—The
8 Secretary may require such additional peri-
9 odic reports of the information described in
10 subparagraph (B) as the Secretary deter-
11 mines appropriate to facilitate timely ad-
12 justments under clause (i).

13 “(D) DETERMINATION OF COST OF
14 EARNED INCOME TAX CREDIT.—For purposes
15 of this subsection, the cost to Puerto Rico of
16 the earned income tax credit shall be deter-
17 mined by the Secretary on the basis of the laws
18 of Puerto Rico and shall include reductions in
19 revenues received by Puerto Rico by reason of
20 such credit and refunds attributable to such
21 credit, but shall not include any administrative
22 costs with respect to such credit.

23 “(E) PREVENTION OF MANIPULATION OF
24 BASE AMOUNT.—No payments shall be made
25 under paragraph (1) if the earned income tax

1 credit as in effect in Puerto Rico for taxable
2 years beginning in or with calendar year 2019
3 is modified after the date of the enactment of
4 this subsection.

5 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
6 TEMS.—

7 “(1) IN GENERAL.—With respect to calendar
8 year 2020 and each calendar year thereafter, the
9 Secretary shall, except as otherwise provided in this
10 subsection, make payments to the Virgin Islands,
11 Guam, and the Commonwealth of the Northern Mar-
12 iana Islands equal to—

13 “(A) 75 percent of the cost to such posses-
14 sion of the earned income tax credit for taxable
15 years beginning in or with such calendar year,
16 plus

17 “(B) in the case of calendar years 2020
18 through 2024, the lesser of—

19 “(i) the expenditures made by such
20 possession during such calendar year for
21 education efforts with respect to individual
22 taxpayers and tax return preparers relat-
23 ing to such earned income tax credit, or

24 “(ii) \$50,000.

1 “(2) APPLICATION OF CERTAIN RULES.—Rules
2 similar to the rules of subparagraphs (A), (B), (C),
3 and (D) of subsection (a)(4) shall apply for purposes
4 of this subsection.

5 “(c) AMERICAN SAMOA.—

6 “(1) IN GENERAL.—With respect to calendar
7 year 2020 and each calendar year thereafter, the
8 Secretary shall, except as otherwise provided in this
9 subsection, make payments to American Samoa
10 equal to—

11 “(A) the lesser of—

12 “(i) 75 percent of the cost to Amer-
13 ican Samoa of the earned income tax cred-
14 it for taxable years beginning in or with
15 such calendar year, or

16 “(ii) \$12,000,000, plus

17 “(B) in the case of calendar years 2020
18 through 2024, the lesser of—

19 “(i) the expenditures made by Amer-
20 ican Samoa during such calendar year for
21 education efforts with respect to individual
22 taxpayers and tax return preparers relat-
23 ing to such earned income tax credit, or

24 “(ii) \$50,000.

1 “(2) REQUIREMENT TO ENACT AND MAINTAIN
2 AN EARNED INCOME TAX CREDIT.—The Secretary
3 shall not make any payments under paragraph (1)
4 with respect to any calendar year unless American
5 Samoa has in effect an earned income tax credit for
6 taxable years beginning in or with such calendar
7 year which allows a refundable tax credit to individ-
8 uals on the basis of the taxpayer’s earned income
9 which is designed to substantially increase workforce
10 participation.

11 “(3) INFLATION ADJUSTMENT.—In the case of
12 any calendar year after 2020, the \$12,000,000
13 amount in paragraph (1)(A)(ii) shall be increased by
14 an amount equal to—

15 “(A) such dollar amount, multiplied by—

16 “(B) the cost-of-living adjustment deter-
17 mined under section 1(f)(3) for such calendar
18 year, determined by substituting ‘calendar year
19 2019’ for ‘calendar year 2016’ in subparagraph
20 (A)(ii) thereof.

21 Any increase determined under this clause shall be
22 rounded to the nearest multiple of \$100,000.

23 “(4) APPLICATION OF CERTAIN RULES.—Rules
24 similar to the rules of subparagraphs (A), (B), (C),

1 and (D) of subsection (a)(4) shall apply for purposes
2 of this subsection.

3 “(d) TREATMENT OF PAYMENTS.—For purposes of
4 section 1324 of title 31, United States Code, the payments
5 under this section shall be treated in the same manner
6 as a refund due from a credit provision referred to in sub-
7 section (b)(2) of such section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 77 of the Internal Revenue Code of 1986 is
10 amended by adding at the end the following new item:

“Sec. 7529. Application of earned income tax credit to possessions of the
United States.”.

11 **SEC. 20126. TEMPORARY SPECIAL RULE FOR DETERMINING**
12 **EARNED INCOME FOR PURPOSES OF EARNED**
13 **INCOME TAX CREDIT.**

14 (a) IN GENERAL.—If the earned income of the tax-
15 payer for the taxpayer’s first taxable year beginning in
16 2020 is less than the earned income of the taxpayer for
17 the preceding taxable year, the credit allowed under sec-
18 tion 32 of the Internal Revenue Code of 1986 may, at
19 the election of the taxpayer, be determined by sub-
20 stituting—

21 (1) such earned income for the preceding tax-
22 able year, for

23 (2) such earned income for the taxpayer’s first
24 taxable year beginning in 2020.

1 (b) EARNED INCOME.—

2 (1) IN GENERAL.—For purposes of this section,
3 the term “earned income” has the meaning given
4 such term under section 32(c) of the Internal Rev-
5 enue Code of 1986.

6 (2) APPLICATION TO JOINT RETURNS.—For
7 purposes of subsection (a), in the case of a joint re-
8 turn, the earned income of the taxpayer for the pre-
9 ceding taxable year shall be the sum of the earned
10 income of each spouse for such preceding taxable
11 year.

12 (c) SPECIAL RULES.—

13 (1) ERRORS TREATED AS MATHEMATICAL
14 ERROR.—For purposes of section 6213 of the Inter-
15 nal Revenue Code of 1986, an incorrect use on a re-
16 turn of earned income pursuant to subsection (a)
17 shall be treated as a mathematical or clerical error.

18 (2) NO EFFECT ON DETERMINATION OF GROSS
19 INCOME, ETC.—Except as otherwise provided in this
20 subsection, the Internal Revenue Code of 1986 shall
21 be applied without regard to any substitution under
22 subsection (a).

23 (d) TREATMENT OF CERTAIN POSSESSIONS.—

24 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
25 CODE TAX SYSTEMS.—The Secretary of the Treas-

1 ury shall pay to each possession of the United States
2 which has a mirror code tax system amounts equal
3 to the loss (if any) to that possession by reason of
4 the application of the provisions of this section
5 (other than this subsection) with respect to section
6 32 of the Internal Revenue Code of 1986. Such
7 amounts shall be determined by the Secretary of the
8 Treasury based on information provided by the gov-
9 ernment of the respective possession.

10 (2) PAYMENTS TO OTHER POSSESSIONS.—The
11 Secretary of the Treasury shall pay to each posses-
12 sion of the United States which does not have a mir-
13 ror code tax system amounts estimated by the Sec-
14 retary of the Treasury as being equal to the aggre-
15 gate benefits (if any) that would have been provided
16 to residents of such possession by reason of the pro-
17 visions of this section (other than this subsection)
18 with respect to section 32 of the Internal Revenue
19 Code of 1986 if a mirror code tax system had been
20 in effect in such possession. The preceding sentence
21 shall not apply unless the respective possession has
22 a plan, which has been approved by the Secretary of
23 the Treasury, under which such possession will
24 promptly distribute such payments to its residents.

1 (3) MIRROR CODE TAX SYSTEM.—For purposes
2 of this section, the term “mirror code tax system”
3 means, with respect to any possession of the United
4 States, the income tax system of such possession if
5 the income tax liability of the residents of such pos-
6 session under such system is determined by ref-
7 erence to the income tax laws of the United States
8 as if such possession were the United States.

9 (4) TREATMENT OF PAYMENTS.—For purposes
10 of section 1324 of title 31, United States Code, the
11 payments under this section shall be treated in the
12 same manner as a refund due from a credit provi-
13 sion referred to in subsection (b)(2) of such section.

14 Subtitle D—Child Tax Credit

15 **SEC. 20131. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.**

16 (a) IN GENERAL.—Section 24 of the Internal Rev-
17 enue Code of 1986 is amended by adding at the end the
18 following new subsection:

19 “(i) SPECIAL RULES FOR 2020.—In the case of any
20 taxable year beginning in 2020—

21 “(1) REFUNDABLE CREDIT.—Subsection (h)(5)
22 shall not apply and the increase determined under
23 the first sentence of subsection (d)(1) shall be the
24 amount determined under subsection (d)(1)(A) (de-
25 termined without regard to subsection (h)(4)).

1 “(2) CREDIT AMOUNT.—Subsection (h)(2) shall
2 not apply and subsection (a) shall be applied by sub-
3 stituting ‘\$3,000 (\$3,600 in the case of a qualifying
4 child who has not attained age 6 as of the close of
5 the calendar year in which the taxable year of the
6 taxpayer begins)’ for ‘\$1,000’.

7 “(3) 17-YEAR-OLDS ELIGIBLE FOR TREATMENT
8 AS QUALIFYING CHILDREN.—This section shall be
9 applied—

10 “(A) by substituting ‘age 18’ for ‘age 17’
11 in subsection (e)(1), and

12 “(B) by substituting ‘described in sub-
13 section (c) (determined after the application of
14 subsection (i)(3)(A))’ for ‘described in sub-
15 section (c)’ in subsection (h)(4)(A).”.

16 (b) ADVANCE PAYMENT OF CREDIT.—

17 (1) IN GENERAL.—Chapter 77 of such Code is
18 amended by inserting after section 7527 the fol-
19 lowing new section:

20 **“SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.**

21 “(a) IN GENERAL.—As soon as practicable after the
22 date of the enactment of this Act, the Secretary shall es-
23 tablish a program for making advance payments of the
24 credit allowed under subsection (a) of section 24 on a
25 monthly basis (determined without regard to subsection

1 (i)(4)) of such section), or as frequently as the Secretary
2 determines to be administratively feasible, to taxpayers de-
3 termined to be eligible for advance payment of such credit.

4 “(b) LIMITATION.—

5 “(1) IN GENERAL.—The Secretary may make
6 payments under subsection (a) only to the extent
7 that the total amount of such payments made to any
8 taxpayer during the taxable year does not exceed an
9 amount equal to the excess, if any, of—

10 “(A) subject to paragraph (2), the amount
11 determined under subsection (a) of section 24
12 with respect to such taxpayer (determined with-
13 out regard to subsection (i)(4)) of such section)
14 for such taxable year, over

15 “(B) the estimated tax imposed by subtitle
16 A, as reduced by the credits allowable under
17 subparts A and C (other than section 24) of
18 such part IV, with respect to such taxpayer for
19 such taxable year, as determined in such man-
20 ner as the Secretary deems appropriate.

21 “(2) APPLICATION OF THRESHOLD AMOUNT
22 LIMITATION.—The program described in subsection
23 (a) shall make reasonable efforts to apply the limita-
24 tion of section 24(b) with respect to payments made
25 under such program.

1 “(c) APPLICATION.—The advance payments de-
2 scribed in this section shall only be made with respect to
3 credits allowed under section 24 for taxable years begin-
4 ning during 2020.”.

5 (2) RECONCILIATION OF CREDIT AND ADVANCE
6 CREDIT.—Section 24(i) of such Code, as amended by
7 subsection (a), is amended by adding at the end the
8 following new paragraph:

9 “(4) RECONCILIATION OF CREDIT AND AD-
10 VANCE CREDIT.—

11 “(A) IN GENERAL.—The amount of the
12 credit allowed under this section for any taxable
13 year shall be reduced (but not below zero) by
14 the aggregate amount of any advance payments
15 of such credit under section 7527A for such
16 taxable year.

17 “(B) EXCESS ADVANCE PAYMENTS.—If the
18 aggregate amount of advance payments under
19 section 7527A for the taxable year exceeds the
20 amount of the credit allowed under this section
21 for such taxable year (determined without re-
22 gard to subparagraph (A)), the tax imposed by
23 this chapter for such taxable year shall be in-
24 creased by the amount of such excess.”.

1 (3) CLERICAL AMEMDMENT.—The table of sec-
2 tions for chapter 77 of such Code is amended by in-
3 serting after the item relating to section 7527 the
4 following new item:

“Sec. 7527A. Advance payment of child tax credit.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to taxable years beginning after
7 December 31, 2019.

8 **SEC. 20132. APPLICATION OF CHILD TAX CREDIT IN POS-**
9 **SESSIONS.**

10 (a) IN GENERAL.—Section 24 of the Internal Rev-
11 enue Code of 1986 is amended by adding at the end the
12 following new subsection:

13 “(i) APPLICATION OF CREDIT IN POSSESSIONS.—

14 “(1) MIRROR CODE POSSESSIONS.—

15 “(A) IN GENERAL.—The Secretary shall
16 pay to each possession of the United States
17 with a mirror code tax system amounts equal to
18 the loss to that possession by reason of the ap-
19 plication of this section (determined without re-
20 gard to this subsection) with respect to taxable
21 years beginning after 2019. Such amounts shall
22 be determined by the Secretary based on infor-
23 mation provided by the government of the re-
24 spective possession.

1 “(B) COORDINATION WITH CREDIT AL-
2 LOWED AGAINST UNITED STATES INCOME
3 TAXES.—No credit shall be allowed under this
4 section for any taxable year to any individual to
5 whom a credit is allowable against taxes im-
6 posed by a possession with a mirror code tax
7 system by reason of the application of this sec-
8 tion in such possession for such taxable year.

9 “(C) MIRROR CODE TAX SYSTEM.—For
10 purposes of this paragraph, the term ‘mirror
11 code tax system’ means, with respect to any
12 possession of the United States, the income tax
13 system of such possession if the income tax li-
14 ability of the residents of such possession under
15 such system is determined by reference to the
16 income tax laws of the United States as if such
17 possession were the United States.

18 “(2) PUERTO RICO.—In the case of any bona
19 fide resident of Puerto Rico (within the meaning of
20 section 937(a))—

21 “(A) the credit determined under this sec-
22 tion shall be allowable to such resident,

23 “(B) in the case of any taxable year begin-
24 ning during 2020, the increase determined
25 under the first sentence of subsection (d)(1)

1 shall be the amount determined under sub-
2 section (d)(1)(A) (determined without regard to
3 subsection (h)(4)),

4 “(C) in the case of any taxable year begin-
5 ning after December 31, 2020, and before Jan-
6 uary 1, 2026, the increase determined under
7 the first sentence of subsection (d)(1) shall be
8 the lesser of—

9 “(i) the amount determined under
10 subsection (d)(1)(A) (determined without
11 regard to subsection (h)(4)), or

12 “(ii) the dollar amount in effect under
13 subsection (h)(5), and

14 “(D) in the case of any taxable year after
15 December 31, 2025, the increase determined
16 under the first sentence of subsection (d)(1)
17 shall be the amount determined under sub-
18 section (d)(1)(A).

19 “(3) AMERICAN SAMOA.—

20 “(A) IN GENERAL.—The Secretary shall
21 pay to American Samoa amounts estimated by
22 the Secretary as being equal to the aggregate
23 benefits that would have been provided to resi-
24 dents of American Samoa by reason of the ap-
25 plication of this section for taxable years begin-

1 ning after 2019 if the provisions of this section
2 had been in effect in American Samoa.

3 “(B) DISTRIBUTION REQUIREMENT.—Sub-
4 paragraph (A) shall not apply unless American
5 Samoa has a plan, which has been approved by
6 the Secretary, under which American Samoa
7 will promptly distribute such payments to the
8 residents of American Samoa in a manner
9 which replicates to the greatest degree prac-
10 ticable the benefits that would have been so
11 provided to each such resident.

12 “(C) COORDINATION WITH CREDIT AL-
13 LOWED AGAINST UNITED STATES INCOME
14 TAXES.—

15 “(i) IN GENERAL.—In the case of a
16 taxable year with respect to which a plan
17 is approved under subparagraph (B), this
18 section (other than this subsection) shall
19 not apply to any individual eligible for a
20 distribution under such plan.

21 “(ii) APPLICATION OF SECTION IN
22 EVENT OF ABSENCE OF APPROVED
23 PLAN.—In the case of a taxable year with
24 respect to which a plan is not approved
25 under subparagraph (B), rules similar to

1 the rules of paragraph (2) shall apply with
2 respect to bona fide residents of American
3 Samoa (within the meaning of section
4 937(a)).

5 “(4) TREATMENT OF PAYMENTS.—The pay-
6 ments made under this subsection shall be treated in
7 the same manner for purposes of section 1324(b)(2)
8 of title 31, United States Code, as refunds due from
9 the credit allowed under this section.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply to taxable years beginning after
12 December 31, 2019.

13 Subtitle E—Dependent Care Assistance

14 **SEC. 20141. REFUNDABILITY AND ENHANCEMENT OF CHILD**
15 **AND DEPENDENT CARE TAX CREDIT.**

16 (a) IN GENERAL.—Section 21 of the Internal Rev-
17 enue Code of 1986 is amended by adding at the end the
18 following new subsection:

19 “(g) SPECIAL RULES FOR 2020.—In the case of any
20 taxable year beginning after December 31, 2019, and be-
21 fore January 1, 2021—

22 “(1) CREDIT MADE REFUNDABLE.—In the case
23 of an individual other than a nonresident alien, the
24 credit allowed under subsection (a) shall be treated

1 as a credit allowed under subpart C (and not allowed
2 under this subpart).

3 “(2) INCREASE IN APPLICABLE PERCENTAGE.—

4 Subsection (a)(2) shall be applied—

5 “(A) by substituting ‘50 percent’ for ‘35
6 percent’, and

7 “(B) by substituting ‘\$120,000’ for
8 ‘\$15,000’.

9 “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT
10 CREDITABLE.—Subsection (c) shall be applied—

11 “(A) by substituting ‘\$6,000’ for ‘\$3,000’
12 in paragraph (1) thereof, and

13 “(B) by substituting ‘twice the amount in
14 effect under paragraph (1)’ for ‘\$6,000’ in
15 paragraph (2) thereof.”.

16 (b) CONFORMING AMENDMENT.—Section 1324(b)(2)
17 of title 31, United States Code, is amended by inserting
18 “21 (by reason of subsection (g) thereof),” before “25A”.

19 (c) COORDINATION WITH POSSESSION TAX SYS-
20 TEMS.—Section 21(g)(1) of the Internal Revenue Code of
21 1986 (as added by this section) shall not apply to any per-
22 son—

23 (1) to whom a credit is allowed against taxes
24 imposed by a possession with a mirror code tax sys-
25 tem by reason of the application of section 21 of

1 such Code in such possession for such taxable year,
2 or

3 (2) to whom a credit would be allowed against
4 taxes imposed by a possession which does not have
5 a mirror code tax system if the provisions of section
6 21 of such Code had been in effect in such posses-
7 sion for such taxable year.

8 (d) **EFFECTIVE DATE.**—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 20142. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
12 **VIDED DEPENDENT CARE ASSISTANCE.**

13 (a) **IN GENERAL.**—Section 129(a)(2) of the Internal
14 Revenue Code of 1986 is amended by adding at the end
15 the following new subparagraph:

16 “(D) **SPECIAL RULE FOR 2020.**—In the
17 case of any taxable year beginning during 2020,
18 subparagraph (A) shall be applied be sub-
19 stituting ‘\$10,500 (half such dollar amount’ for
20 ‘\$5,000 (\$2,500’.’”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 this section shall apply to taxable years beginning after
23 December 31, 2019.

24 (c) **RETROACTIVE PLAN AMENDMENTS.**—A plan or
25 other arrangement that otherwise satisfies all applicable

1 requirements of sections 106, 125, and 129 of the Internal
2 Revenue Code of 1986 (including any rules or regulations
3 thereunder) shall not fail to be treated as a cafeteria plan
4 or dependent care flexible spending arrangement merely
5 because such plan or arrangement is amended pursuant
6 to a provision under this section and such amendment is
7 retroactive, if—

8 (1) such amendment is adopted no later than
9 the last day of the plan year in which the amend-
10 ment is effective, and

11 (2) the plan or arrangement is operated con-
12 sistent with the terms of such amendment during
13 the period beginning on the effective date of the
14 amendment and ending on the date the amendment
15 is adopted.

16 Subtitle F—Flexibility for Certain Employee Benefits

17 **SEC. 20151. INCREASE IN CARRYOVER FOR HEALTH FLEXI-**
18 **BLE SPENDING ARRANGEMENTS.**

19 (a) IN GENERAL.—A plan or other arrangement that
20 otherwise satisfies all of the applicable requirements of
21 sections 106 and 125 of the Internal Revenue Code of
22 1986 (including any rules or regulations thereunder) shall
23 not fail to be treated as a cafeteria plan or health flexible
24 spending arrangement merely because such plan or ar-
25 rangement permits participants to carry over an amount

1 not in excess of \$2,750 of unused benefits or contributions
2 remaining in a health flexible spending arrangement from
3 the plan year ending in 2020 to the plan year ending in
4 2021.

5 (b) DEFINITIONS.—Any term used in this section
6 which is also used in section 106 or 125 of the Internal
7 Revenue Code of 1986 or the rules or regulations there-
8 under shall have the same meaning as when used in such
9 section or rules or regulations.

10 **SEC. 20152. CARRYOVER FOR DEPENDENT CARE FLEXIBLE**
11 **SPENDING ARRANGEMENTS.**

12 (a) IN GENERAL.—A plan or other arrangement that
13 otherwise satisfies all applicable requirements of sections
14 106, 125, and 129 of the Internal Revenue Code of 1986
15 (including any rules or regulations thereunder) shall not
16 fail to be treated as a cafeteria plan or dependent care
17 flexible spending arrangement merely because such plan
18 or arrangement permits participants to carry over (under
19 rules similar to the rules applicable to health flexible
20 spending arrangements) an amount, not in excess of the
21 amount in effect under section 129(a)(2)(A) of such Code,
22 of unused benefits or contributions remaining in a depend-
23 ent care flexible spending arrangement from the plan year
24 ending in 2020 to the plan year ending in 2021.

1 (b) DEFINITIONS.—Any term used in this section
2 which is also used in section 106, 125, or 129 of the Inter-
3 nal Revenue Code of 1986 or the rules or regulations
4 thereunder shall have the same meaning as when used in
5 such section or rules or regulations.

6 **SEC. 20153. CARRYOVER OF PAID TIME OFF.**

7 (a) IN GENERAL.—A plan that otherwise satisfies all
8 applicable requirements of section 125 of the Internal Rev-
9 enue Code of 1986 (including any rules or regulations
10 thereunder) shall not fail to be treated as a cafeteria plan
11 merely because such plan permits participants to carry
12 over (under rules similar to the rules applicable to health
13 flexible spending arrangements) any amount of paid time
14 off (without limitation) from the plan year ending in 2020
15 to the plan year ending in 2021.

16 (b) DEFINITIONS.—Any term used in this section
17 which is also used in section 125 of the Internal Revenue
18 Code of 1986 or the rules or regulations thereunder shall
19 have the same meaning as when used in such section or
20 rules or regulations.

21 **SEC. 20154. CHANGE IN ELECTION AMOUNT.**

22 (a) IN GENERAL.—A plan or other arrangement that
23 otherwise satisfies all applicable requirements of sections
24 106 and 125 of the Internal Revenue Code of 1986 (in-
25 cluding any rules or regulations thereunder) shall not fail

1 to be treated as a cafeteria plan or health flexible spending
2 arrangement merely because such plan or arrangement al-
3 lows an employee to make, with respect to the remaining
4 portion of a period of coverage within the applicable pe-
5 riod—

6 (1) an election modifying the amount of such
7 employee's contributions to such a health flexible
8 spending arrangement (without regard to any
9 change in status), or

10 (2) an election modifying the amount of such
11 employee's elective paid time off.

12 Any election as modified under paragraph (1) shall not
13 exceed the limitation applicable under section 125(i) for
14 the taxable year.

15 (b) ONE-TIME APPLICATION.—Paragraphs (1) and
16 (2) of subsection (a) shall each apply to only 1 election
17 change described in such paragraph with respect to an em-
18 ployee (in addition to any other election changes during
19 a period of coverage permitted under the plan or arrange-
20 ment without regard to this section).

21 (c) APPLICABLE PERIOD.—For purposes of this sec-
22 tion, the term “applicable period” means the period begin-
23 ning on the date of the enactment of this Act and ending
24 on December 31, 2020.

1 (d) DEFINITIONS.—Any term used in this section
2 which is also used in section 106 or 125 of the Internal
3 Revenue Code of 1986 or the rules or regulations there-
4 under shall have the same meaning as when used in such
5 section or rules or regulations.

6 **SEC. 20155. EXTENSION OF GRACE PERIODS, ETC.**

7 (a) IN GENERAL.—A plan or other arrangement that
8 otherwise satisfies all applicable requirements of sections
9 106, 125, or 129 of the Internal Revenue Code (including
10 any rules or regulations thereunder) shall not fail to be
11 treated as a cafeteria plan, health flexible spending ar-
12 rangement, or dependent care flexible spending arrange-
13 ment (whichever is applicable) merely because such plan
14 or arrangement extends the grace period for the plan year
15 ending in 2020 to 12 months after the end of such plan
16 year, with respect to unused benefits or contributions re-
17 maining in a health flexible spending arrangement or a
18 dependent care flexible spending arrangement.

19 (b) POST-TERMINATION REIMBURSEMENTS FROM
20 HEALTH FSAS.—A plan or other arrangement that other-
21 wise satisfies all applicable requirements of sections 106
22 and 125 of the Internal Revenue Code of 1986 (including
23 any rules or regulations thereunder) shall not fail to be
24 treated as a cafeteria plan or health flexible spending ar-
25 rangement merely because such plan or arrangement al-

1 lows (under rules similar to the rules applicable to depend-
2 ent care flexible spending arrangements) an employee who
3 ceases participation in the plan during calendar year 2020
4 to continue to receive reimbursements from unused bene-
5 fits or contributions through the end of the plan year (in-
6 cluding any grace period, taking into account any modi-
7 fication of a grace period permitted under subsection (a)).

8 (c) DEFINITIONS.—Any term used in this section
9 which is also used in section 106, 125, or 129 of the Inter-
10 nal Revenue Code of 1986 or the rules or regulations
11 thereunder shall have the same meaning as when used in
12 such section or rules or regulations.

13 **SEC. 20156. PLAN AMENDMENTS.**

14 A plan or other arrangement that otherwise satisfies
15 all applicable requirements of sections 106, 125, and 129
16 of the Internal Revenue Code of 1986 (including any rules
17 or regulations thereunder) shall not fail to be treated as
18 a cafeteria plan, health flexible spending arrangement, or
19 dependent care flexible spending arrangement merely be-
20 cause such plan or arrangement is amended pursuant to
21 a provision under this subtitle and such amendment is ret-
22 roactive, if—

23 (1) such amendment is adopted no later than
24 the last day of the plan year in which the amend-
25 ment is effective, and

1 (2) the plan or arrangement is operated con-
2 sistent with the terms of such amendment during
3 the period beginning on the effective date of the
4 amendment and ending on the date the amendment
5 is adopted.

6 Subtitle G—Deduction of State and Local Taxes

7 **SEC. 20161. ELIMINATION FOR 2020 AND 2021 OF LIMITA-**
8 **TION ON DEDUCTION OF STATE AND LOCAL**
9 **TAXES.**

10 (a) IN GENERAL.—Section 164(b)(6)(B) of the Inter-
11 nal Revenue Code of 1986 is amended by inserting “in
12 the case of a taxable year beginning before January 1,
13 2020, or after December 31, 2021,” before “the aggregate
14 amount of taxes”.

15 (b) CONFORMING AMENDMENTS.—Section 164(b)(6)
16 of the Internal Revenue Code of 1986 is amended—

17 (1) by striking “For purposes of subparagraph
18 (B)” and inserting “For purposes of this section”,

19 (2) by striking “January 1, 2018” and insert-
20 ing “January 1, 2022”,

21 (3) by striking “December 31, 2017, shall” and
22 inserting “December 31, 2021, shall”, and

23 (4) by adding at the end the following: “For
24 purposes of this section, in the case of State or local
25 taxes with respect to any real or personal property

1 paid during a taxable year beginning in 2020 or
2 2021, the Secretary shall prescribe rules which treat
3 all or a portion of such taxes as paid in a taxable
4 year or years other than the taxable year in which
5 actually paid as necessary or appropriate to prevent
6 the avoidance of the limitations of this subsection.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxes paid or accrued in taxable
9 years beginning after December 31, 2019.

10 TITLE II—ADDITIONAL RELIEF FOR WORKERS

11 Subtitle A—Additional Relief

12 **SEC. 20201. INCREASE IN ABOVE-THE-LINE DEDUCTION FOR** 13 **CERTAIN EXPENSES OF ELEMENTARY AND** 14 **SECONDARY SCHOOL TEACHERS.**

15 (a) INCREASE.—Section 62(a)(2)(D) of the Internal
16 Revenue Code of 1986 is amended by striking “\$250” and
17 inserting “\$500”.

18 (b) CONFORMING AMENDMENTS.—Section 62(d)(3)
19 of the Internal Revenue Code of 1986 is amended—

20 (1) by striking “2015” and inserting “2020”,

21 (2) by striking “\$250” and inserting “\$500”,

22 and

23 (3) in subparagraph (B), by striking “2014”

24 and inserting “2019”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2019.

4 **SEC. 20202. ABOVE-THE-LINE DEDUCTION ALLOWED FOR**
5 **CERTAIN EXPENSES OF FIRST RESPONDERS.**

6 (a) IN GENERAL.—Section 62(a)(2) of the Internal
7 Revenue Code of 1986 is amended by adding at the end
8 the following new subparagraph:

9 “(F) CERTAIN EXPENSES OF FIRST RE-
10 SPONDERS.—The deductions allowed by section
11 162 which consist of expenses, not in excess of
12 \$500, paid or incurred by a first responder—

13 “(i) as tuition or fees for the partici-
14 pation of the first responder in profes-
15 sional development courses related to serv-
16 ice as a first responder, or

17 “(ii) for uniforms used by the first re-
18 sponder in service as a first responder.”.

19 (b) FIRST RESPONDER DEFINED.—Section 62(d) of
20 the Internal Revenue Code of 1986 is amended by adding
21 at the end the following new paragraph:

22 “(4) FIRST RESPONDER.—For purposes of sub-
23 section (a)(2)(F), the term ‘first responder’ means,
24 with respect to any taxable year, any employee who
25 provides at least 1000 hours of service during such

1 taxable year as a law enforcement officer, firefighter,
2 paramedic, or emergency medical technician.”.

3 (c) INFLATION ADJUSTMENT.—Section 62(d)(3) of
4 the Internal Revenue Code of 1986, as amended by the
5 preceding provisions of this Act, is further amended by
6 striking “the \$500 amount in subsection (a)(2)(D)” and
7 inserting “the \$500 amount in each of subparagraphs (D)
8 and (F) of subsection (a)(2)”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2019.

12 **SEC. 20203. TEMPORARY ABOVE-THE-LINE DEDUCTION FOR**
13 **SUPPLIES AND EQUIPMENT OF FIRST RE-**
14 **SPONDERS AND COVID-19 FRONT LINE EM-**
15 **PLOYEES.**

16 (a) IN GENERAL.—Section 62(d) of the Internal Rev-
17 enue Code of 1986, as amended by the preceding provi-
18 sions of this Act, is amended by adding at the end of the
19 following new paragraph:

20 “(5) TEMPORARY RULE FOR FIRST RESPOND-
21 ERS AND COVID-19 FRONT LINE EMPLOYEES.—

22 “(A) IN GENERAL.—In the case of any
23 taxable year beginning in 2020—

1 “(i) subsection (a)(2)(F)(ii) shall be
2 applied by substituting ‘uniforms, supplies,
3 or equipment’ for ‘uniforms’, and

4 “(ii) for purposes of subsection
5 (a)(2)(F), the term ‘first responder’ shall
6 include any COVID–19 front line em-
7 ployee.

8 “(B) COVID–19 FRONT LINE EM-
9 PLOYEE.—For purposes of this paragraph, the
10 term ‘COVID–19 front line employee’ means,
11 with respect to any taxable year, any individual
12 who performs at least 1000 hours of essential
13 work (as defined in the COVID–19 Heroes
14 Fund Act except without regard to the time pe-
15 riod during which such work is performed) dur-
16 ing such taxable year as an employee in a trade
17 or business of an employer.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 December 31, 2019.

21 **SEC. 20204. PAYROLL CREDIT FOR CERTAIN PANDEMIC-RE-**
22 **LATED EMPLOYEE BENEFIT EXPENSES PAID**
23 **BY EMPLOYERS.**

24 (a) IN GENERAL.—In the case of an employer, there
25 shall be allowed as a credit against applicable employment

1 taxes for each calendar quarter an amount equal to the
2 applicable percentage of the qualified pandemic-related
3 employee benefit expenses paid by such employer with re-
4 spect to such calendar quarter.

5 (b) LIMITATIONS AND REFUNDABILITY.—

6 (1) DOLLAR LIMITATION PER EMPLOYEE.—The
7 qualified pandemic-related employee benefit expenses
8 which may be taken into account under subsection
9 (a) with respect to any employee for any calendar
10 quarter shall not exceed \$5,000.

11 (2) CREDIT LIMITED TO CERTAIN EMPLOYMENT
12 TAXES.—The credit allowed by subsection (a) with
13 respect to any calendar quarter shall not exceed the
14 applicable employment taxes for such calendar quar-
15 ter (reduced by any credits allowed under sub-
16 sections (e) and (f) of section 3111 of such Code,
17 sections 7001 and 7003 of the Families First
18 Coronavirus Response Act, and section 2301 of the
19 CARES Act, for such quarter) on the wages paid
20 with respect to the employment of all the employees
21 of the employer for such calendar quarter.

22 (3) REFUNDABILITY OF EXCESS CREDIT.—

23 (A) IN GENERAL.—If the amount of the
24 credit under subsection (a) exceeds the limita-
25 tion of paragraph (2) for any calendar quarter,

1 such excess shall be treated as an overpayment
2 that shall be refunded under sections 6402(a)
3 and 6413(b) of the Internal Revenue Code of
4 1986.

5 (B) TREATMENT OF PAYMENTS.—For pur-
6 poses of section 1324 of title 31, United States
7 Code, any amounts due to an employer under
8 this paragraph shall be treated in the same
9 manner as a refund due from a credit provision
10 referred to in subsection (b)(2) of such section.

11 (4) COORDINATION WITH GOVERNMENT
12 GRANTS.—The qualified pandemic-related employee
13 benefit expenses taken into account under this sec-
14 tion by any employer shall be reduced by any
15 amounts provided by and Federal, State, or local
16 government for purposes of making or reimbursing
17 such expenses.

18 (c) QUALIFIED PANDEMIC-RELATED EMPLOYEE
19 BENEFIT EXPENSES.—For purposes of this section, the
20 term “qualified pandemic-related employee benefit ex-
21 penses” means any amount paid to or for the benefit of
22 an employee in the employment of the employer if—

23 (1) such amount is excludible from the gross in-
24 come of the employee under section 139 of the Inter-
25 nal Revenue Code of 1986 by reason of being a

1 qualified disaster relief payment described in sub-
2 section (b)(1) of such section with respect to a quali-
3 fied disaster described in subsection (c)(2) of such
4 section which was declared by reason of COVID–19,
5 and

6 (2) the employer elects (at such time and in
7 such manner as the Secretary may provide) to treat
8 such amount as a qualified pandemic-related em-
9 ployee benefit expense.

10 (d) APPLICABLE PERCENTAGE.—For purposes of
11 this section—

12 (1) IN GENERAL.—The term “applicable per-
13 centage” means—

14 (A) 50 percent, in the case of qualified
15 pandemic-related employee benefit expenses
16 paid with respect to an essential employee, and

17 (B) 30 percent, in any other case.

18 (2) ESSENTIAL EMPLOYEE.—The term “essen-
19 tial employee” means, with respect to any employer
20 for any calendar quarter, any employee of such em-
21 ployer if a substantial portion of the services per-
22 formed by such employee for such employer during
23 such calendar quarter are essential work (as defined
24 in the COVID–19 Heroes Fund Act except without

1 regard to the time period during which such work is
2 performed).

3 (e) SPECIAL RULES; OTHER DEFINITIONS.—

4 (1) APPLICATION OF CERTAIN NON-DISCRIMINA-
5 TION RULES.—No credit shall be allowed under this
6 section to any employer for any calendar quarter if
7 qualified pandemic-related employee benefit expenses
8 are provided by such employer to employees for such
9 calendar quarter in a manner which discriminates in
10 favor of highly compensated individuals (within the
11 meaning of section 125) as to eligibility for, or the
12 amount of, such benefit expenses. An employer may
13 elect with respect to any calendar quarter to apply
14 this paragraph separately with respect to essential
15 employees and with respect to all other employees.

16 (2) DENIAL OF DOUBLE BENEFIT.—For pur-
17 poses of chapter 1 of such Code, no deduction or
18 credit (other than the credit allowed under this sec-
19 tion) shall be allowed for so much of qualified pan-
20 demic-related employee benefit expenses as is equal
21 to the credit allowed under this section.

22 (3) THIRD PARTY PAYORS.—Any credit allowed
23 under this section shall be treated as a credit de-
24 scribed in section 3511(d)(2) of such Code.

1 (4) APPLICABLE EMPLOYMENT TAXES.—For
2 purposes of this section, the term “applicable em-
3 ployment taxes” means the following:

4 (A) The taxes imposed under section
5 3111(a) of the Internal Revenue Code of 1986.

6 (B) So much of the taxes imposed under
7 section 3221(a) of such Code as are attrib-
8 utable to the rate in effect under section
9 3111(a) of such Code.

10 (5) SECRETARY.—For purposes of this section,
11 the term “Secretary” means the Secretary of the
12 Treasury or the Secretary’s delegate.

13 (6) CERTAIN TERMS.—

14 (A) IN GENERAL.—Any term used in this
15 section which is also used in chapter 21 or 22
16 of such Code shall have the same meaning as
17 when used in such chapter (as the case may
18 be).

19 (B) CERTAIN PROVISIONS NOT TAKEN
20 INTO ACCOUNT EXCEPT FOR PURPOSES OF LIM-
21 ITING CREDIT TO EMPLOYMENT TAXES.—For
22 purposes of subparagraph (A) (other than with
23 respect to subsection (b)(2)), section 3121(b) of
24 such Code shall be applied without regard to
25 paragraphs (1), (5), (6), (7), (8), (10), (13),

1 (18), (19), and (22) thereof (except with re-
2 spect to services performed in a penal institu-
3 tion by an inmate thereof) and section
4 3231(e)(1) shall be applied without regard to
5 the sentence that begins “Such term does not
6 include remuneration”.

7 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—

8 (1) IN GENERAL.—The credit under this section
9 shall not be allowed to the Federal Government or
10 any agency or instrumentality thereof.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to any organization described in section
13 501(c)(1) of the Internal Revenue Code of 1986 and
14 exempt from tax under section 501(a) of such Code.

15 (g) TREATMENT OF DEPOSITS.—The Secretary shall
16 waive any penalty under section 6656 of such Code for
17 any failure to make a deposit of applicable employment
18 taxes if the Secretary determines that such failure was due
19 to the anticipation of the credit allowed under this section.

20 (h) REGULATIONS.—The Secretary shall prescribe
21 such regulations or other guidance as may be necessary
22 to carry out the purposes of this section, including regula-
23 tions or other guidance—

24 (1) to allow the advance payment of the credit
25 determined under subsection (a), subject to the limi-

1 tations provided in this section, based on such infor-
2 mation as the Secretary shall require,

3 (2) to provide for the reconciliation of such ad-
4 vance payment with the amount of the credit at the
5 time of filing the return of tax for the applicable
6 quarter or taxable year,

7 (3) for recapturing the benefit of credits deter-
8 mined under this section in cases where there is a
9 subsequent adjustment to the credit determined
10 under subsection (a), and

11 (4) with respect to the application of the credit
12 to third party payors (including professional em-
13 ployer organizations, certified professional employer
14 organizations, or agents under section 3504 of such
15 Code), including to allow such payors to submit doc-
16 umentation necessary to substantiate eligibility for,
17 and the amount of, the credit allowed under this sec-
18 tion.

19 (i) APPLICATION OF SECTION.—This section shall
20 apply only to qualified pandemic-related employee benefit
21 expenses paid after March 12, 2020, and before January
22 1, 2021.

23 (j) TRANSFERS TO CERTAIN TRUST FUNDS.—There
24 are hereby appropriated to the Federal Old-Age and Sur-
25 vivors Insurance Trust Fund and the Federal Disability

1 Insurance Trust Fund established under section 201 of
2 the Social Security Act (42 U.S.C. 401) and the Social
3 Security Equivalent Benefit Account established under
4 section 15A(a) of the Railroad Retirement Act of 1974
5 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in
6 revenues to the Treasury by reason of this section (without
7 regard to this subsection). Amounts appropriated by the
8 preceding sentence shall be transferred from the general
9 fund at such times and in such manner as to replicate
10 to the extent possible the transfers which would have oc-
11 curred to such Trust Fund or Account had this section
12 not been enacted.

13 Subtitle B—Tax Credits to Prevent Business

14 Interruption

15 **SEC. 20211. IMPROVEMENTS TO EMPLOYEE RETENTION**

16 **CREDIT.**

17 (a) INCREASE IN CREDIT PERCENTAGE.—Section
18 2301(a) of the CARES Act is amended by striking “50
19 percent” and inserting “80 percent”.

20 (b) INCREASE IN PER EMPLOYEE LIMITATION.—Sec-
21 tion 2301(b)(1) of the CARES Act is amended by striking
22 “for all calendar quarters shall not exceed \$10,000.” and
23 inserting “shall not exceed—

24 “(A) \$15,000 in any calendar quarter, and

1 “(B) \$45,000 in the aggregate for all cal-
2 endar quarters.”.

3 (c) MODIFICATION OF THRESHOLD FOR TREATMENT
4 AS A LARGE EMPLOYER.—

5 (1) IN GENERAL.—Section 2301(c)(3)(A) of the
6 CARES Act is amended—

7 (A) by striking “for which the average
8 number of full-time employees (within the
9 meaning of section 4980H of the Internal Rev-
10 enue Code of 1986) employed by such eligible
11 employer during 2019 was greater than 100” in
12 clause (i) and inserting “which is a large em-
13 ployer”, and

14 (B) by striking “for which the average
15 number of full-time employees (within the
16 meaning of section 4980H of the Internal Rev-
17 enue Code of 1986) employed by such eligible
18 employer during 2019 was not greater than
19 100” in clause (ii) and inserting “which is not
20 a large employer”.

21 (2) LARGE EMPLOYER DEFINED.—Section
22 2301(c) of the CARES Act is amended by redesignig-
23 nating paragraph (6) as paragraph (7) and by in-
24 serting after paragraph (5) the following new para-
25 graph:

1 “(6) LARGE EMPLOYER.—The term ‘large em-
2 ployer’ means any eligible employer if—

3 “(A) the average number of full-time em-
4 ployees (as determined for purposes of deter-
5 mining whether an employer is an applicable
6 large employer for purposes of section
7 4980H(c)(2) of the Internal Revenue Code of
8 1986) employed by such eligible employer dur-
9 ing calendar year 2019 was greater than 1,500,
10 and

11 “(B) the gross receipts (within the mean-
12 ing of section 448(c) of the Internal Revenue
13 Code of 1986) of such eligible employer during
14 calendar year 2019 was greater than
15 \$41,500,000.”.

16 (d) PHASE-IN OF ELIGIBILITY BASED ON REDUC-
17 TION IN GROSS RECEIPTS.—

18 (1) DECREASE OF REDUCTION IN GROSS RE-
19 CEIPTS NECESSARY TO QUALIFY FOR CREDIT.—Sec-
20 tion 2301(c)(2)(B) of the CARES Act is amended—

21 (A) by striking “50 percent” in clause (i)
22 and inserting “90 percent”, and

23 (B) by striking “80 percent” in clause (ii)
24 and inserting “90 percent”.

1 (2) PHASE-IN OF CREDIT IF REDUCTION IN
2 GROSS RECEIPTS IS LESS THAN 50 PERCENT.—Sec-
3 tion 2301(c)(2) of the CARES Act is amended by
4 adding at the end the following new subparagraph:

5 “(D) PHASE-IN OF CREDIT WHERE BUSI-
6 NESS NOT SUSPENDED AND REDUCTION IN
7 GROSS RECEIPTS LESS THAN 50 PERCENT.—

8 “(i) IN GENERAL.—In the case of any
9 calendar quarter with respect to which an
10 eligible employer would not be an eligible
11 employer if subparagraph (B)(i) were ap-
12 plied by substituting ‘50 percent’ for ‘90
13 percent’, the amount of the credit allowed
14 under subsection (a) shall be reduced by
15 the amount which bears the same ratio to
16 the amount of such credit (determined
17 without regard to this subparagraph) as—

18 “(I) the excess gross receipts per-
19 centage point amount, bears to

20 “(II) 40 percentage points.

21 “(ii) EXCESS GROSS RECEIPTS PER-
22 CENTAGE POINT AMOUNT.—For purposes
23 of this subparagraph, the term ‘excess
24 gross receipts percentage point amount’

1 means, with respect to any calendar quar-
2 ter, the excess of—

3 “(I) the lowest of the gross re-
4 ceipts percentage point amounts de-
5 termined with respect to any calendar
6 quarter during the period ending with
7 such calendar quarter and beginning
8 with the first calendar quarter during
9 the period described in subparagraph
10 (B), over

11 “(II) 50 percentage points.

12 “(iii) GROSS RECEIPTS PERCENTAGE
13 POINT AMOUNTS.—For purposes of this
14 subparagraph, the term ‘gross receipts per-
15 centage point amount’ means, with respect
16 to any calendar quarter, the percentage
17 (expressed as a number of percentage
18 points) obtained by dividing—

19 “(I) the gross receipts (within
20 the meaning of subparagraph (B)) for
21 such calendar quarter, by

22 “(II) the gross receipts for the
23 same calendar quarter in calendar
24 year 2019.”.

1 (3) GROSS RECEIPTS OF TAX-EXEMPT ORGANI-
2 ZATIONS.—Section 2301(c)(2)(C) of the CARES Act
3 is amended—

4 (A) by striking “of such Code, clauses (i)
5 and (ii)(I)” and inserting “of such Code—

6 “(i) clauses (i) and (ii)(I”),

7 (B) by striking the period at the end and
8 inserting “, and”, and

9 (C) by adding at the end the following new
10 clause:

11 “(ii) any reference in this section to
12 gross receipts shall be treated as a ref-
13 erence to gross receipts within the meaning
14 of section 6033 of such Code.”.

15 (e) MODIFICATION OF TREATMENT OF HEALTH
16 PLAN EXPENSES.—

17 (1) IN GENERAL.—Section 2301(c)(5) of the
18 CARES Act is amended to read as follows:

19 “(5) WAGES.—

20 “(A) IN GENERAL.—The term ‘wages’
21 means wages (as defined in section 3121(a) of
22 the Internal Revenue Code of 1986) and com-
23 pensation (as defined in section 3231(e) of such
24 Code).

1 “(B) ALLOWANCE FOR CERTAIN HEALTH
2 PLAN EXPENSES.—

3 “(i) IN GENERAL.—Such term shall
4 include amounts paid or incurred by the el-
5 igible employer to provide and maintain a
6 group health plan (as defined in section
7 5000(b)(1) of the Internal Revenue Code
8 of 1986), but only to the extent that such
9 amounts are excluded from the gross in-
10 come of employees by reason of section
11 106(a) of such Code.

12 “(ii) ALLOCATION RULES.—For pur-
13 poses of this section, amounts treated as
14 wages under clause (i) shall be treated as
15 paid with respect to any employee (and
16 with respect to any period) to the extent
17 that such amounts are properly allocable to
18 such employee (and to such period) in such
19 manner as the Secretary may prescribe.
20 Except as otherwise provided by the Sec-
21 retary, such allocation shall be treated as
22 properly made if made on the basis of
23 being pro rata among periods of cov-
24 erage.”.

1 (2) CONFORMING AMENDMENT.—Section
2 2301(e)(3) of the CARES Act is amended by strik-
3 ing subparagraph (C).

4 (f) QUALIFIED WAGES PERMITTED TO INCLUDE
5 AMOUNTS FOR TIP REPLACEMENT.—

6 (1) IN GENERAL.—Section 2301(e)(3)(B) of the
7 CARES Act is amended by inserting “(including tips
8 which would have been deemed to be paid by the em-
9 ployer under section 3121(q))” after “would have
10 been paid”.

11 (2) CONFORMING AMENDMENT.—Section
12 2301(h)(2) of the CARES Act is amended by insert-
13 ing “45B or” before “45S”.

14 (g) CERTAIN GOVERNMENTAL EMPLOYERS ELIGIBLE
15 FOR CREDIT.—

16 (1) IN GENERAL.—Section 2301(f) of the
17 CARES Act is amended to read as follows:

18 “(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

19 “(1) IN GENERAL.—The credit under this sec-
20 tion shall not be allowed to the Federal Government
21 or any agency or instrumentality thereof.

22 “(2) EXCEPTION.—Paragraph (1) shall not
23 apply to any organization described in section
24 501(c)(1) of the Internal Revenue Code of 1986 and
25 exempt from tax under section 501(a) of such Code.

1 “(3) SPECIAL RULES.—In the case of any State
2 government, Indian tribal government, or any agen-
3 cy, instrumentality, or political subdivision of the
4 foregoing—

5 “(A) clauses (i) and (ii)(I) of subsection
6 (c)(2)(A) shall apply to all operations of such
7 entity, and

8 “(B) subclause (II) of subsection
9 (c)(2)(A)(ii) shall not apply.”.

10 (2) COORDINATION WITH APPLICATION OF CER-
11 TAIN DEFINITIONS.—

12 (A) IN GENERAL.—Section 2301(c)(5)(A)
13 of the CARES Act, as amended by the pre-
14 ceding provisions of this Act, is amended by
15 adding at the end the following: “For purposes
16 of the preceding sentence (other than for pur-
17 poses of subsection (b)(2)), wages as defined in
18 section 3121(a) of the Internal Revenue Code
19 of 1986 shall be determined without regard to
20 paragraphs (1), (5), (6), (7), (8), (10), (13),
21 (18), (19), and (22) of section 3212(b) of such
22 Code (except with respect to services performed
23 in a penal institution by an inmate thereof).”.

24 (B) CONFORMING AMENDMENTS.—Sec-
25 tions 2301(c)(6) of the CARES Act is amended

1 by striking “Any term” and inserting “Except
2 as otherwise provided in this section, any
3 term”.

4 (h) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect as if included in section 2301
6 of the CARES Act.

7 **SEC. 20212. PAYROLL CREDIT FOR CERTAIN FIXED EX-**
8 **PENSES OF EMPLOYERS SUBJECT TO CLO-**
9 **SURE BY REASON OF COVID-19.**

10 (a) IN GENERAL.—In the case of an eligible em-
11 ployer, there shall be allowed as a credit against applicable
12 employment taxes for each calendar quarter an amount
13 equal to 50 percent of the qualified fixed expenses paid
14 or incurred by such employer during such calendar quar-
15 ter.

16 (b) LIMITATIONS AND REFUNDABILITY.—

17 (1) LIMITATION.—The qualified fixed expenses
18 which may be taken into account under subsection
19 (a) by any eligible employer for any calendar quarter
20 shall not exceed the least of—

21 (A) the qualified fixed expenses paid by the
22 eligible employer in the same calendar quarter
23 of calendar year 2019,

24 (B) \$50,000, or

25 (C) the greater of—

1 (i) 25 percent of the wages paid with
2 respect to the employment of all the em-
3 ployees of the eligible employer for such
4 calendar quarter, or

5 (ii) 6.25 percent of the gross receipts
6 of the eligible employer for calendar year
7 2019.

8 (2) CREDIT LIMITED TO CERTAIN EMPLOYMENT
9 TAXES.—The credit allowed by subsection (a) with
10 respect to any calendar quarter shall not exceed the
11 applicable employment taxes for such calendar quar-
12 ter (reduced by any credits allowed under sub-
13 sections (e) and (f) of section 3111 of such Code,
14 sections 7001 and 7003 of the Families First
15 Coronavirus Response Act, section 2301 of the
16 CARES Act, and section 20204 of this division, for
17 such quarter) on the wages paid with respect to the
18 employment of all the employees of the eligible em-
19 ployer for such calendar quarter.

20 (3) REFUNDABILITY OF EXCESS CREDIT.—

21 (A) IN GENERAL.—If the amount of the
22 credit under subsection (a) exceeds the limita-
23 tion of paragraph (2) for any calendar quarter,
24 such excess shall be treated as an overpayment
25 that shall be refunded under sections 6402(a)

1 and 6413(b) of the Internal Revenue Code of
2 1986.

3 (B) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, any amounts due to an employer under
6 this paragraph shall be treated in the same
7 manner as a refund due from a credit provision
8 referred to in subsection (b)(2) of such section.

9 (c) DEFINITIONS.—For purposes of this section—

10 (1) APPLICABLE EMPLOYMENT TAXES.—The
11 term “applicable employment taxes” means the fol-
12 lowing:

13 (A) The taxes imposed under section
14 3111(a) of the Internal Revenue Code of 1986.

15 (B) So much of the taxes imposed under
16 section 3221(a) of such Code as are attrib-
17 utable to the rate in effect under section
18 3111(a) of such Code.

19 (2) ELIGIBLE EMPLOYER.—

20 (A) IN GENERAL.—The term “eligible em-
21 ployer” means any employer—

22 (i) which was carrying on a trade or
23 business during calendar year 2020,

24 (ii) which had either—

1 (I) not more than 1,500 full-time
2 equivalent employees (as determined
3 for purposes of determining whether
4 an employer is an applicable large em-
5 ployer for purposes of section
6 4980H(c)(2) of the Internal Revenue
7 Code of 1986) for calendar year 2019,
8 or

9 (II) not more than \$41,500,000
10 of gross receipts in the last taxable
11 year ending in 2019, and

12 (iii) with respect to any calendar
13 quarter, for which—

14 (I) the operation of the trade or
15 business described in clause (i) is fully
16 or partially suspended during the cal-
17 endar quarter due to orders from an
18 appropriate governmental authority
19 limiting commerce, travel, or group
20 meetings (for commercial, social, reli-
21 gious, or other purposes) due to the
22 coronavirus disease 2019 (COVID-
23 19), or

1 (II) such calendar quarter is
2 within the period described in sub-
3 paragraph (B).

4 (B) SIGNIFICANT DECLINE IN GROSS RE-
5 CEIPTS.—The period described in this subpara-
6 graph is the period—

7 (i) beginning with the first calendar
8 quarter beginning after December 31,
9 2019, for which gross receipts (within the
10 meaning of section 448(c) of the Internal
11 Revenue Code of 1986) for the calendar
12 quarter are less than 90 percent of gross
13 receipts for the same calendar quarter in
14 the prior year, and

15 (ii) ending with the calendar quarter
16 following the first calendar quarter begin-
17 ning after a calendar quarter described in
18 clause (i) for which gross receipts of such
19 employer are greater than 90 percent of
20 gross receipts for the same calendar quar-
21 ter in the prior year.

22 (C) TAX-EXEMPT ORGANIZATIONS.—In the
23 case of an organization which is described in
24 section 501(c) of the Internal Revenue Code of

1 1986 and exempt from tax under section 501(a)
2 of such Code—

3 (i) clauses (i) and (iii)(I) of subpara-
4 graph (A) shall apply to all operations of
5 such organization, and

6 (ii) any reference in this section to
7 gross receipts shall be treated as a ref-
8 erence to gross receipts within the meaning
9 of section 6033 of the Internal Revenue
10 Code of 1986.

11 (D) PHASE-IN OF CREDIT WHERE BUSI-
12 NESS NOT SUSPENDED AND REDUCTION IN
13 GROSS RECEIPTS LESS THAN 50 PERCENT.—

14 (i) IN GENERAL.—In the case of any
15 calendar quarter with respect to which an
16 eligible employer would not be an eligible
17 employer if subparagraph (B)(i) were ap-
18 plied by substituting “50 percent” for “90
19 percent”, the amount of the credit allowed
20 under subsection (a) shall be reduced by
21 the amount which bears the same ratio to
22 the amount of such credit (determined
23 without regard to this subparagraph) as—

24 (I) the excess gross receipts per-
25 centage point amount, bears to

1 (II) 40 percentage points.

2 (ii) EXCESS GROSS RECEIPTS PER-
3 CENTAGE POINT AMOUNT.—For purposes
4 of this subparagraph, the term “excess
5 gross receipts percentage point amount”
6 means, with respect to any calendar quar-
7 ter, the excess of—

8 (I) the lowest of the gross re-
9 ceipts percentage point amounts de-
10 termined with respect to any calendar
11 quarter during the period ending with
12 such calendar quarter and beginning
13 with the first calendar quarter during
14 the period described in subparagraph
15 (B), over

16 (II) 50 percentage points.

17 (iii) GROSS RECEIPTS PERCENTAGE
18 POINT AMOUNTS.—For purposes of this
19 subparagraph, the term “gross receipts
20 percentage point amount” means, with re-
21 spect to any calendar quarter, the percent-
22 age (expressed as a number of percentage
23 points) obtained by dividing—

1 (I) the gross receipts (within the
2 meaning of subparagraph (B)) for
3 such calendar quarter, by

4 (II) the gross receipts for the
5 same calendar quarter in calendar
6 year 2019.

7 (3) QUALIFIED FIXED EXPENSES.—

8 (A) IN GENERAL.—The term “qualified
9 fixed expenses” means the payment or accrual,
10 in the ordinary course of the eligible employer’s
11 trade or business, of any covered mortgage obli-
12 gation, covered rent obligation, or covered util-
13 ity payment. Such term shall not include the
14 prepayment of any obligation for a period in ex-
15 cess of a month unless the payment for such
16 period is customarily due in advance.

17 (B) APPLICATION OF DEFINITIONS.—The
18 terms “covered mortgage obligation”, “covered
19 rent obligation”, and “covered utility payment”
20 shall each have the same meaning as when used
21 in section 1106 of the CARES Act.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of the Treasury or the Secretary’s del-
24 egate.

25 (5) WAGES.—

1 (A) IN GENERAL.—The term “wages”
2 means wages (as defined in section 3121(a) of
3 the Internal Revenue Code of 1986) and com-
4 pensation (as defined in section 3231(e) of such
5 Code). For purposes of the preceding sentence
6 (other than for purposes of subsection (b)(2)),
7 wages as defined in section 3121(a) of such
8 Code shall be determined without regard to
9 paragraphs (1), (8), (10), (13), (18), (19), and
10 (22) of section 3121(b) of such Code.

11 (B) ALLOWANCE FOR CERTAIN HEALTH
12 PLAN EXPENSES.—

13 (i) IN GENERAL.—Such term shall in-
14 clude amounts paid or incurred by the eli-
15 gible employer to provide and maintain a
16 group health plan (as defined in section
17 5000(b)(1) of the Internal Revenue Code
18 of 1986), but only to the extent that such
19 amounts are excluded from the gross in-
20 come of employees by reason of section
21 106(a) of such Code.

22 (ii) ALLOCATION RULES.—For pur-
23 poses of this section, amounts treated as
24 wages under clause (i) shall be treated as
25 paid with respect to any employee (and

1 with respect to any period) to the extent
2 that such amounts are properly allocable to
3 such employee (and to such period) in such
4 manner as the Secretary may prescribe.
5 Except as otherwise provided by the Sec-
6 retary, such allocation shall be treated as
7 properly made if made on the basis of
8 being pro rata among periods of coverage.

9 (6) EMPLOYER.—The term “employer” means
10 any employer (as defined in section 3401(d) of such
11 Code) of at least one employee on any day in cal-
12 endar year 2020.

13 (7) OTHER TERMS.—Except as otherwise pro-
14 vided in this section, any term used in this section
15 which is also used in chapter 21 or 22 of the Inter-
16 nal Revenue Code of 1986 shall have the same
17 meaning as when used in such chapter.

18 (d) AGGREGATION RULE.—All persons treated as a
19 single employer under subsection (a) or (b) of section 52
20 of the Internal Revenue Code of 1986, or subsection (m)
21 or (o) of section 414 of such Code, shall be treated as
22 one employer for purposes of this section.

23 (e) DENIAL OF DOUBLE BENEFIT.—For purposes of
24 chapter 1 of such Code, the gross income of any eligible
25 employer, for the taxable year which includes the last day

1 of any calendar quarter with respect to which a credit is
2 allowed under this section, shall be increased by the
3 amount of such credit.

4 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—

5 (1) IN GENERAL.—The credit under this section
6 shall not be allowed to the Federal Government, the
7 government of any State, of the District of Colum-
8 bia, or of any possession of the United States, any
9 tribal government, or any political subdivision, agen-
10 cy, or instrumentality of any of the foregoing.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to any organization described in section
13 501(c)(1) of the Internal Revenue Code of 1986 and
14 exempt from tax under section 501(a) of such Code.

15 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
16 section shall not apply with respect to any eligible em-
17 ployer for any calendar quarter if such employer elects (at
18 such time and in such manner as the Secretary may pre-
19 scribe) not to have this section apply.

20 (h) TRANSFERS TO CERTAIN TRUST FUNDS.—There
21 are hereby appropriated to the Federal Old-Age and Sur-
22 vivors Insurance Trust Fund and the Federal Disability
23 Insurance Trust Fund established under section 201 of
24 the Social Security Act (42 U.S.C. 401) and the Social
25 Security Equivalent Benefit Account established under

1 section 15A(a) of the Railroad Retirement Act of 1974
2 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in
3 revenues to the Treasury by reason of this section (without
4 regard to this subsection). Amounts appropriated by the
5 preceding sentence shall be transferred from the general
6 fund at such times and in such manner as to replicate
7 to the extent possible the transfers which would have oc-
8 curred to such Trust Fund or Account had this section
9 not been enacted.

10 (i) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of such Code for
12 any failure to make a deposit of applicable employment
13 taxes if the Secretary determines that such failure was due
14 to the anticipation of the credit allowed under this section.

15 (j) THIRD PARTY PAYORS.—Any credit allowed
16 under this section shall be treated as a credit described
17 in section 3511(d)(2) of such Code.

18 (k) REGULATIONS AND GUIDANCE.—The Secretary
19 shall issue such forms, instructions, regulations, and guid-
20 ance as are necessary—

21 (1) to allow the advance payment of the credit
22 under subsection (a), subject to the limitations pro-
23 vided in this section, based on such information as
24 the Secretary shall require,

1 (2) regulations or other guidance to provide for
2 the reconciliation of such advance payment with the
3 amount of the credit at the time of filing the return
4 of tax for the applicable quarter or taxable year,

5 (3) with respect to the application of the credit
6 under subsection (a) to third party payors (including
7 professional employer organizations, certified profes-
8 sional employer organizations, or agents under sec-
9 tion 3504 of the Internal Revenue Code of 1986),
10 including regulations or guidance allowing such
11 payors to submit documentation necessary to sub-
12 stantiate the eligible employer status of employers
13 that use such payors,

14 (4) for application of subsection (b)(1)(A) and
15 subparagraphs (A)(ii)(II) and (B) of subsection
16 (c)(2) in the case of any employer which was not
17 carrying on a trade or business for all or part of the
18 same calendar quarter in the prior year, and

19 (5) for recapturing the benefit of credits deter-
20 mined under this section in cases where there is a
21 subsequent adjustment to the credit determined
22 under subsection (a).

23 (l) APPLICATION OF SECTION.—This section shall
24 apply only to qualified fixed expenses paid or accrued after
25 March 12, 2020, and before January 1, 2021.

1 **SEC. 20213. BUSINESS INTERRUPTION CREDIT FOR CER-**
2 **TAIN SELF-EMPLOYED INDIVIDUALS.**

3 (a) CREDIT AGAINST TAX.—In the case of an eligible
4 self-employed individual, there shall be allowed as a credit
5 against the tax imposed by chapter 1 of subtitle A of the
6 Internal Revenue Code of 1986 for the taxpayer's first
7 taxable year beginning in 2020 an amount equal to 90
8 percent of the eligible self-employed individual's qualified
9 self-employment income.

10 (b) LIMITATIONS.—

11 (1) OVERALL LIMITATION.—The amount of
12 qualified self-employment income taken into account
13 under subsection (a) with respect to any eligible self-
14 employed individual shall not exceed \$45,000.

15 (2) LIMITATION BASED ON MODIFIED AD-
16 JUSTED GROSS INCOME.—

17 (A) IN GENERAL.—The amount of the
18 credit allowed by subsection (a) (after applica-
19 tion of paragraph (1)) shall be reduced (but not
20 below zero) by 50 percent of so much of the
21 taxpayer's modified adjusted gross income for
22 the taxpayer's first taxable year beginning in
23 2020 as exceeds \$60,000 (\$120,000 in the case
24 of a joint return).

25 (B) MODIFIED ADJUSTED GROSS IN-
26 COME.—For purposes of this section the term

1 “modified adjusted gross income” means ad-
2 justed gross income determined without regard
3 to sections 911, 931, and 933 of such Code.

4 (c) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For
5 purposes of this section, the term “eligible self-employed
6 individual” means an individual—

7 (1) who—

8 (A) regularly carries on one or more trades
9 or businesses within the meaning of section
10 1402 of such Code, or

11 (B) is allocated income or loss described in
12 section 702(a)(8) of such Code from any trade
13 or business carried on by a partnership which
14 is not excluded under section 1402 of such
15 Code, and

16 (2) for whom gross self-employment income
17 during the first taxable year beginning in 2020 is
18 less than 90 percent of such individual’s gross self-
19 employment income during the first taxable year be-
20 ginning in 2019.

21 (d) QUALIFIED SELF-EMPLOYMENT INCOME.—For
22 purposes of this section—

23 (1) IN GENERAL.—The term “qualified self-em-
24 ployment income” means the product of—

1 (A) the specified gross self-employment in-
2 come reduction for the first taxable year begin-
3 ning in 2020, multiplied by

4 (B) the ratio of—

5 (i) self-employment income (as deter-
6 mined under section 1402(b) of such Code,
7 but not below zero) for the first taxable
8 year beginning in 2019, divided by

9 (ii) gross self-employment income for
10 the first taxable year beginning in 2019.

11 (2) LIMITATION BASED ON MODIFIED AD-
12 JUSTED GROSS INCOME.—In the case of any tax-
13 payer, qualified self-employment income shall not ex-
14 ceed the excess (if any) of—

15 (A) modified adjusted gross income for the
16 first taxable year beginning in 2019, over

17 (B) modified adjusted gross income for the
18 first taxable year beginning in 2020.

19 (3) SPECIFIED GROSS SELF-EMPLOYMENT IN-
20 COME REDUCTION.—For purposes of paragraph (1),
21 the term “specified gross self-employment income re-
22 duction” means, with respect to a taxable year, the
23 excess (if any) of—

1 (A) 90 percent of gross self-employment
2 income for the taxable year preceding such tax-
3 able year, over

4 (B) gross self-employment income for such
5 taxable year.

6 (e) GROSS SELF-EMPLOYMENT INCOME.—For pur-
7 poses of this section, the term “gross self-employment in-
8 come” means, with respect to any taxable year, the sum
9 of—

10 (1) the eligible self-employed individuals’ gross
11 income derived from all trades or business carried on
12 by such individual for purposes of determining net
13 earnings from self-employment under section 1402
14 of such Code for such taxable year, and

15 (2) the eligible individual’s distributive share of
16 gross income (as determined under section 702(c) of
17 such Code) from any trade or business carried on by
18 a partnership for purposes of determining net earn-
19 ings from self-employment under section 1402 of
20 such Code (and which is not excluded under such
21 section) for such taxable year.

22 (f) SPECIAL RULES.—

23 (1) CREDIT REFUNDABLE.—

24 (A) IN GENERAL.—The credit determined
25 under this section shall be treated as a credit

1 allowed to the taxpayer under subpart C of part
2 IV of subchapter A of chapter 1 of such Code.

3 (B) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, any refund due from the credit allowed
6 under this section shall be treated in the same
7 manner as a refund due from a credit provision
8 referred to in subsection (b)(2) of such section.

9 (2) DOCUMENTATION.—No credit shall be al-
10 lowed under this section unless the taxpayer main-
11 tains such documentation as the Secretary of the
12 Treasury (or the Secretary's delegate) may prescribe
13 to establish such individual as an eligible self-em-
14 ployed individual.

15 (3) DENIAL OF DOUBLE BENEFIT.—Qualified
16 self-employment income shall be reduced by—

17 (A) the qualified sick leave equivalent
18 amount for which a credit is allowed under sec-
19 tion 7002(a) of the Families First Coronavirus
20 Response Act and the qualified family leave
21 equivalent amount for which a credit is allowed
22 under section 7004(a) of such Act,

23 (B) the qualified wages for which a credit
24 is allowed under section 2301 of the CARES
25 Act,

1 (C) the amount of the credit allowed under
2 section 6432 of the Internal Revenue Code of
3 1986 (as added by this Act), and

4 (D) except to the extent taken into account
5 in determining gross self-employment income,
6 amounts from a covered loan under section
7 7(a)(36) of the Small Business Act that are—

8 (i) forgiven pursuant to section
9 1106(b) of the CARES Act, and

10 (ii) paid or distributed to the eligible
11 self-employed individual as payroll costs
12 described in section 7(a)(36)(A)(viii)(I) of
13 the Small Business Act.

14 (4) JOINT RETURNS.—

15 (A) IN GENERAL.—In the case of a joint
16 return, the taxpayer shall be treated for pur-
17 poses of this section as an eligible self-employed
18 individual if either spouse is an eligible self-em-
19 ployed individual.

20 (B) APPLICATION OF MODIFIED ADJUSTED
21 GROSS INCOME LIMITATION ON QUALIFIED
22 SELF-EMPLOYMENT INCOME.—If the taxpayer
23 filed a joint return for only one of the taxable
24 years described in subsection (d)(2), such limi-
25 tation shall apply in such manner as the Sec-

1 retary of the Treasury (or the Secretary's dele-
2 gate) may provide.

3 (5) ELECTION NOT TO HAVE SECTION APPLY.—

4 This section shall not apply with respect to any tax-
5 payer for any taxable year if such taxpayer elects (at
6 such time and in such manner as the Secretary of
7 the Treasury, or the Secretary's delegate, may pre-
8 scribe) not to have this section apply.

9 (g) APPLICATION OF CREDIT IN CERTAIN POSSES-
10 SIONS.—

11 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
12 CODE TAX SYSTEMS.—The Secretary of the Treas-
13 ury (or the Secretary's delegate) shall pay to each
14 possession of the United States which has a mirror
15 code tax system amounts equal to the loss (if any)
16 to that possession by reason of the application of the
17 provisions of this section. Such amounts shall be de-
18 termined by the Secretary of the Treasury (or the
19 Secretary's delegate) based on information provided
20 by the government of the respective possession.

21 (2) PAYMENTS TO OTHER POSSESSIONS.—The
22 Secretary of the Treasury (or the Secretary's dele-
23 gate) shall pay to each possession of the United
24 States which does not have a mirror code tax system
25 amounts estimated by the Secretary of the Treasury

1 (or the Secretary's delegate) as being equal to the
2 aggregate benefits (if any) that would have been
3 provided to residents of such possession by reason of
4 the provisions of this section if a mirror code tax
5 system had been in effect in such possession. The
6 preceding sentence shall not apply unless the respec-
7 tive possession has a plan, which has been approved
8 by the Secretary of the Treasury (or the Secretary's
9 delegate), under which such possession will promptly
10 distribute such payments to its residents.

11 (3) MIRROR CODE TAX SYSTEM.—For purposes
12 of this section, the term “mirror code tax system”
13 means, with respect to any possession of the United
14 States, the income tax system of such possession if
15 the income tax liability of the residents of such pos-
16 session under such system is determined by ref-
17 erence to the income tax laws of the United States
18 as if such possession were the United States.

19 (4) TREATMENT OF PAYMENTS.—For purposes
20 of section 1324 of title 31, United States Code, the
21 payments under this section shall be treated in the
22 same manner as a refund due from a credit provi-
23 sion referred to in subsection (b)(2) of such section.

24 (h) CERTAIN TERMS.—Any term used in this section
25 which is also used in chapter 2 of the Internal Revenue

1 Code of 1986 shall have the same meaning as when used
2 in such chapter.

3 (i) REGULATIONS AND GUIDANCE.—The Secretary of
4 the Treasury (or the Secretary’s delegate) shall issue such
5 forms, instructions, regulations, and guidance as are nec-
6 essary or appropriate—

7 (1) to allow the advance payment of the credit
8 under subsection (a) (including allowing use of the
9 anticipated credit to offset estimated taxes) based on
10 the taxpayer’s good faith estimates of gross self-em-
11 ployment income and qualified self-employment in-
12 come for the first taxable year beginning in 2020
13 and such other information as the Secretary of the
14 Treasury (or the Secretary’s delegate) shall require,
15 subject to the limitations provided in this section,

16 (2) to provide for the reconciliation of such ad-
17 vance payment with the amount of the credit at the
18 time of filing the return of tax for the taxpayer’s
19 first taxable year beginning in 2020,

20 (3) to provide for the application of this section
21 to partners in partnerships, and

22 (4) to implement the purposes of this section.

1 Subtitle C—Credits for Paid Sick and Family Leave

2 **SEC. 20221. EXTENSION OF CREDITS.**

3 (a) IN GENERAL.—Sections 7001(g), 7002(e),
4 7003(g), and 7004(e) of the Families First Coronavirus
5 Response Act are each amended by striking “2020” and
6 inserting “2021”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the provisions
9 of the Families First Coronavirus Response Act to which
10 they relate.

11 **SEC. 20222. REPEAL OF REDUCED RATE OF CREDIT FOR**
12 **CERTAIN LEAVE.**

13 (a) PAYROLL CREDIT.—Section 7001(b) of the Fami-
14 lies First Coronavirus Response Act is amended by insert-
15 ing “or any day on or after the date of the enactment
16 of the COVID–19 Tax Relief Act of 2020” after “in the
17 case of any day any portion of which is paid sick time
18 described in paragraph (1), (2), or (3) of section 5102(a)
19 of the Emergency Paid Sick Leave Act”.

20 (b) SELF-EMPLOYED CREDIT.—

21 (1) IN GENERAL.—Clauses (i) and (ii) of sec-
22 tion 7002(c)(1)(B) of the Families First
23 Coronavirus Response Act are each amended by in-
24 serting inserting “or any day on or after the date of
25 the enactment of the COVID–19 Tax Relief Act of

1 2020” after “in the case of any day any portion of
2 which is paid sick time described in paragraph (1),
3 (2), or (3) of section 5102(a) of the Emergency Paid
4 Sick Leave Act”.

5 (2) CONFORMING AMENDMENT.—Section
6 7002(d)(3) of the Families First Coronavirus Re-
7 sponse Act is amended by inserting inserting “or
8 any day on or after the date of the enactment of the
9 COVID–19 Tax Relief Act of 2020” after “in the
10 case of any day any portion of which is paid sick
11 time described in paragraph (1), (2), or (3) of sec-
12 tion 5102(a) of the Emergency Paid Sick Leave
13 Act”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to days on or after the date of
16 the enactment of this Act.

17 **SEC. 20223. INCREASE IN LIMITATIONS ON CREDITS FOR**
18 **PAID FAMILY LEAVE.**

19 (a) INCREASE IN OVERALL LIMITATION ON QUALI-
20 FIED FAMILY LEAVE WAGES.—

21 (1) IN GENERAL.—Section 7003(b)(1)(B) of
22 the Families First Coronavirus Response Act is
23 amended by striking “\$10,000” and inserting
24 “\$12,000”.

1 (2) CONFORMING AMENDMENT.—Section
2 7004(d)(3) of the Families First Coronavirus Re-
3 sponse Act is amended by striking “\$10,000” and
4 inserting “\$12,000”.

5 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-
6 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—
7 Section 7004(c)(1)(A) of the Families First Coronavirus
8 Response Act is amended by striking “50” and inserting
9 “60”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect as if included in the provisions
12 of the Families First Coronavirus Response Act to which
13 they relate.

14 **SEC. 20224. ELECTION TO USE PRIOR YEAR NET EARNINGS**
15 **FROM SELF-EMPLOYMENT IN DETERMINING**
16 **AVERAGE DAILY SELF-EMPLOYMENT IN-**
17 **COME.**

18 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of
19 the Families First Coronavirus Response Act is amended
20 by adding at the end the following new paragraph:

21 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
22 INGS FROM SELF-EMPLOYMENT INCOME.—In the
23 case of an individual who elects (at such time and
24 in such manner as the Secretary, or the Secretary’s
25 delegate, may provide) the application of this para-

1 graph, paragraph (2)(A) shall be applied by sub-
2 stituting ‘the prior taxable year’ for ‘the taxable
3 year’.”.

4 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)
5 of the Families First Coronavirus Response Act is amend-
6 ed by adding at the end the following new paragraph:

7 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
8 INGS FROM SELF-EMPLOYMENT INCOME.—In the
9 case of an individual who elects (at such time and
10 in such manner as the Secretary, or the Secretary’s
11 delegate, may provide) the application of this para-
12 graph, paragraph (2)(A) shall be applied by sub-
13 stituting ‘the prior taxable year’ for ‘the taxable
14 year’.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if included in the provisions
17 of the Families First Coronavirus Response Act to which
18 they relate.

19 **SEC. 20225. FEDERAL, STATE, AND LOCAL GOVERNMENTS**
20 **ALLOWED TAX CREDITS FOR PAID SICK AND**
21 **PAID FAMILY AND MEDICAL LEAVE.**

22 (a) IN GENERAL.—Sections 7001(e) and 7003(e) of
23 the Families First Coronavirus Response Act are each
24 amended by striking paragraph (4).

1 (b) COORDINATION WITH APPLICATION OF CERTAIN
2 DEFINITIONS.—

3 (1) IN GENERAL.—Sections 7001(c) and
4 7003(e) of the Families First Coronavirus Response
5 Act are each amended—

6 (A) by inserting “, determined without re-
7 gard to paragraphs (1) through (22) of section
8 3121(b) of such Code” after “as defined in sec-
9 tion 3121(a) of the Internal Revenue Code of
10 1986”, and

11 (B) by inserting “, determined without re-
12 gard to the sentence in paragraph (1) thereof
13 which begins ‘Such term does include remun-
14 eration’” after “as defined in section 3231(e)
15 of the Internal Revenue Code”.

16 (2) CONFORMING AMENDMENTS.—Sections
17 7001(e)(3) and 7003(e)(3) of the Families First
18 Coronavirus Response Act are each amended by
19 striking “Any term” and inserting “Except as other-
20 wise provided in this section, any term”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the provisions
23 of the Families First Coronavirus Response Act to which
24 they relate.

1 **SEC. 20226. CERTAIN TECHNICAL IMPROVEMENTS.**

2 (a) COORDINATION WITH EXCLUSION FROM EM-
3 PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the
4 Families First Coronavirus Response Act, as amended by
5 the preceding provisions of this Act, are each amended—

6 (1) by inserting “and section 7005(a) of this
7 Act,” after “determined without regard to para-
8 graphs (1) through (22) of section 3121(b) of such
9 Code”, and

10 (2) by inserting “and without regard to section
11 7005(a) of this Act” after “which begins ‘Such term
12 does not include remuneration’”.

13 (b) CLARIFICATION OF APPLICABLE RAILROAD RE-
14 TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections
15 7001(e) and 7003(e) of the Families First Coronavirus
16 Response Act, as amended by the preceding provisions of
17 this Act, are each amended by adding at the end the fol-
18 lowing new paragraph:

19 “(4) REFERENCES TO RAILROAD RETIREMENT
20 TAX.—Any reference in this section to the tax im-
21 posed by section 3221(a) of the Internal Revenue
22 Code of 1986 shall be treated as a reference to so
23 much of such tax as is attributable to the rate in ef-
24 fect under section 3111(a) of such Code.”.

25 (c) CLARIFICATION OF TREATMENT OF PAID LEAVE
26 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section

1 7005(a) of the Families First Coronavirus Response Act
2 is amended by adding the following sentence at the end
3 of such subsection: “Any reference in this subsection to
4 the tax imposed by section 3221(a) of such Code shall be
5 treated as a reference to so much of the tax as is attrib-
6 utable to the rate in effect under section 3111(a) of such
7 Code.”

8 (d) CLARIFICATION OF APPLICABLE RAILROAD RE-
9 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-
10 IT.—Section 7005(b)(1) of the Families First Coronavirus
11 Response Act is amended as follows:

12 “(1) IN GENERAL.—The credit allowed by sec-
13 tion 7001 and the credit allowed by section 7003
14 shall each be increased by the amount of the tax im-
15 posed by section 3111(b) of the Internal Revenue
16 Code of 1986 and so much of the taxes imposed
17 under section 3221(a) of such Code as are attrib-
18 utable to the rate in effect under section 3111(b) of
19 such Code on qualified sick leave wages, or qualified
20 family leave wages, for which credit is allowed under
21 such section 7001 or 7003 (respectively).”

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect as if included in the provisions
24 of the Families First Coronavirus Response Act to which
25 they relate.

1 **SEC. 20227. CREDITS NOT ALLOWED TO CERTAIN LARGE**
2 **EMPLOYERS.**

3 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

4 (1) IN GENERAL.—Section 7001(a) of the Fam-
5 ilies First Coronavirus Response Act is amended by
6 striking “In the case of an employer” and inserting
7 “In the case of an eligible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of
9 the Families First Coronavirus Response Act, as
10 amended by the preceding provisions of this Act, is
11 amended by striking “For purposes of this section,
12 the term” and all that precedes it and inserting the
13 following:

14 “(c) DEFINITIONS.—For purposes of this section—

15 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
16 employer’ means any employer other than an appli-
17 cable large employer (as defined in section
18 4980H(c)(2), determined by substituting ‘500’ for
19 ‘50’ each place it appears in subparagraphs (A) and
20 (B) thereof and without regard to subparagraphs
21 (D) and (F) thereof). For purposes of the preceding
22 sentence, the Government of the United States, the
23 government of any State or political subdivision
24 thereof, or any agency or instrumentality of any of
25 the foregoing shall not be treated as an applicable
26 large employer.

1 “(2) QUALIFIED SICK LEAVE WAGES.—The
2 term”.

3 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

4 (1) IN GENERAL.—Section 7003(a) of the Fam-
5 ilies First Coronavirus Response Act is amended by
6 striking “In the case of an employer” and inserting
7 “In the case of an eligible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7003(c) of
9 the Families First Coronavirus Response Act, as
10 amended by the preceding provisions of this Act, is
11 amended by striking “For purposes of this section,
12 the term” and all that precedes it and inserting the
13 following:

14 “(c) DEFINITIONS.—For purposes of this section—

15 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
16 employer’ means any employer other than an appli-
17 cable large employer (as defined in section
18 4980H(c)(2), determined by substituting ‘500’ for
19 ‘50’ each place it appears in subparagraphs (A) and
20 (B) thereof and without regard to subparagraphs
21 (D) and (F) thereof). For purposes of the preceding
22 sentence, the Government of the United States, the
23 government of any State or political subdivision
24 thereof, or any agency or instrumentality of any of

1 the foregoing, shall not be treated as an applicable
2 large employer.

3 “(2) QUALIFIED FAMILY LEAVE WAGES.—The
4 term”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to wages paid after the date of
7 the enactment of this Act.

8 Subtitle D—Other Relief

9 **SEC. 20231. PAYROLL TAX DEFERRAL ALLOWED FOR RE-** 10 **CIPIENTS OF CERTAIN LOAN FORGIVENESS.**

11 (a) IN GENERAL.—Section 2302(a) of the CARES
12 Act is amended by striking paragraph (3).

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect as if included in section 2302
15 of the CARES Act.

16 **SEC. 20232. EMERGENCY FINANCIAL AID GRANTS.**

17 (a) IN GENERAL.—In the case of a student receiving
18 a qualified emergency financial aid grant—

19 (1) such grant shall not be included in the
20 gross income of such individual for purposes of the
21 Internal Revenue Code of 1986, and

22 (2) such grant shall not be treated as described
23 in subparagraph (A), (B), or (C) of section
24 25A(g)(2) of such Code.

1 (b) DEFINITIONS.—For purposes of this subsection,
2 the term “qualified emergency financial aid grant”
3 means—

4 (1) any emergency financial aid grant awarded
5 by an institution of higher education under section
6 3504 of the CARES Act,

7 (2) any emergency financial aid grant from an
8 institution of higher education made with funds
9 made available under section 18004 of the CARES
10 Act, and

11 (3) any other emergency financial aid grant
12 made to a student from a Federal agency, a State,
13 an Indian tribe, an institution of higher education,
14 or a scholarship-granting organization (including a
15 tribal organization, as defined in section 4 of the In-
16 dian Self-Determination and Education Assistance
17 Act (25 U.S.C.5304)) for the purpose of providing
18 financial relief to students enrolled at institutions of
19 higher education in response to a qualifying emer-
20 gency (as defined in section 3502(a)(4) of the
21 CARES Act).

22 (c) LIMITATION.—This section shall not apply to that
23 portion of any amount received which represents payment
24 for teaching, research, or other services required as a con-

1 dition for receiving the qualified emergency financial aid
2 grant.

3 (d) EFFECTIVE DATE.—This section shall apply to
4 qualified emergency financial aid grants made after March
5 26, 2020.

6 **SEC. 20233. CERTAIN LOAN FORGIVENESS AND OTHER**
7 **BUSINESS FINANCIAL ASSISTANCE UNDER**
8 **CARES ACT NOT INCLUDIBLE IN GROSS IN-**
9 **COME.**

10 (a) UNITED STATES TREASURY PROGRAM MANAGE-
11 MENT AUTHORITY.—For purposes of the Internal Rev-
12 enue Code of 1986, no amount shall be included in gross
13 income by reason of loan forgiveness described in section
14 1109(d)(2)(D) of the CARES Act.

15 (b) EMERGENCY EIDL GRANTS.—For purposes of
16 the Internal Revenue Code of 1986, any advance described
17 in section 1110(e) of the CARES Act shall not be included
18 in the gross income of the person that receives such ad-
19 vance.

20 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For
21 purposes of the Internal Revenue Code of 1986, any pay-
22 ment described in section 1112(c) of the CARES Act shall
23 not be included in the gross income of the person on whose
24 behalf such payment is made.

1 (d) EFFECTIVE DATE.—Subsections (a), (b), and (c)
2 shall apply to taxable years ending after the date of the
3 enactment of the CARES Act.

4 **SEC. 20234. AUTHORITY TO WAIVE CERTAIN INFORMATION**
5 **REPORTING REQUIREMENTS.**

6 The Secretary of the Treasury (or the Secretary's
7 delegate) may provide an exception from any requirement
8 to file an information return otherwise required by chapter
9 61 of the Internal Revenue Code of 1986 with respect to
10 any amount excluded from gross income by reason of sec-
11 tion 1106(i) of the CARES Act or section 20232 or 20233
12 of this Act.

13 **SEC. 20235. CLARIFICATION OF TREATMENT OF EXPENSES**
14 **PAID OR INCURRED WITH PROCEEDS FROM**
15 **CERTAIN GRANTS AND LOANS.**

16 (a) IN GENERAL.—For purposes of the Internal Rev-
17 enue Code of 1986 and notwithstanding any other provi-
18 sion of law, any deduction and the basis of any property
19 shall be determined without regard to whether any amount
20 is excluded from gross income under section 20233 of this
21 Act or section 1106(i) of the CARES Act.

22 (b) CLARIFICATION OF EXCLUSION OF LOAN FOR-
23 GIVENESS.—Section 1106(i) of the CARES Act is amend-
24 ed to read as follows:

1 “(i) TAXABILITY.—For purposes of the Internal Rev-
2 enue Code of 1986, no amount shall be included in the
3 gross income of the eligible recipient by reason of forgive-
4 ness of indebtedness described in subsection (b).”.

5 (c) EFFECTIVE DATE.—Subsection (a) and the
6 amendment made by subsection (b) shall apply to taxable
7 years ending after the date of the enactment of the
8 CARES Act.

9 **SEC. 20236. REINSTATEMENT OF CERTAIN PROTECTIONS**
10 **FOR TAXPAYER RETURN INFORMATION.**

11 (a) IN GENERAL.—Section 6103(a)(3) of the Internal
12 Revenue Code of 1986, as amended by section 3516 of
13 the CARES Act, is amended by striking “(13)(A),
14 (13)(B), (13)(C), (13)(D)(i), (16)” and inserting “(13),
15 (16)”.

16 (b) RECORDS REQUIREMENTS.—Section
17 6103(p)(3)(A) of such Code, as so amended, is amended
18 by striking “(12), (13)(A), (13)(B), (13)(C), (13)(D)(i)”
19 and inserting “(12),”.

20 (c) APPLICATION OF SAFEGUARDS.—Section
21 6103(p)(4) of such Code, as so amended, is amended by
22 striking “(13)(A), (13)(B), (13)(C), (13)(D)(i)” each
23 place it appears and inserting “(13)”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to disclosures made after the date

1 of the enactment of the FUTURE Act (Public Law 116–
2 91).

3 **TITLE III—NET OPERATING LOSSES**

4 **SEC. 20301. LIMITATION ON EXCESS BUSINESS LOSSES OF**
5 **NON-CORPORATE TAXPAYERS RESTORED**
6 **AND MADE PERMANENT.**

7 (a) IN GENERAL.—Section 461(l)(1) of the Internal
8 Revenue Code of 1986 is amended to read as follows:

9 “(1) LIMITATION.—In the case of a taxpayer
10 other than a corporation, any excess business loss of
11 the taxpayer shall not be allowed.”.

12 (b) FARMING LOSSES.—Section 461 of such Code is
13 amended by striking subsection (j).

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning after
16 December 31, 2017.

17 **SEC. 20302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF**
18 **NET OPERATING LOSSES ARISING IN 2019 AND**
19 **2020.**

20 (a) CARRYBACK OF LOSSES ARISING IN 2019 AND
21 2020.—

22 (1) IN GENERAL.—Section 172(b)(1)(D)(i) of
23 the Internal Revenue Code of 1986 is amended to
24 read as follows:

1 “(i) IN GENERAL.—In the case of any
2 net operating loss arising in a taxable year
3 beginning after December 31, 2018, and
4 before January 1, 2021, and to which sub-
5 paragraphs (B) and (C)(i) do not apply,
6 such loss shall be a net operating loss
7 carryback to each taxable year preceding
8 the taxable year of such loss, but not to
9 any taxable year beginning before January
10 1, 2018.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) The heading for section 172(b)(1)(D)
13 of such Code is amended by striking “2018,
14 2019, AND” and inserting “2019 AND”.

15 (B) Section 172(b)(1)(D) of such Code is
16 amended by striking clause (iii) and by redesignig-
17 nating clauses (iv) and (v) as clauses (iii) and
18 (iv), respectively.

19 (C) Section 172(b)(1)(D)(iii) of such Code,
20 as so redesignated, is amended by striking
21 “(i)(I)” and inserting “(i)”.

22 (D) Section 172(b)(1)(D)(iv) of such Code,
23 as so redesignated, is amended—

24 (i) by striking “If the 5-year
25 carryback period under clause (i)(I)” in

1 subclause (I) and inserting “If the
2 carryback period under clause (i)”, and
3 (ii) by striking “2018 or” in subclause
4 (II).

5 (b) DISALLOWED FOR CERTAIN TAXPAYERS.—Sec-
6 tion 172(b)(1)(D) of such Code, as amended by the pre-
7 ceding provisions of this Act, is amended by adding at the
8 end the following new clauses:

9 “(v) CARRYBACK DISALLOWED FOR
10 CERTAIN TAXPAYERS.—Clause (i) shall not
11 apply with respect to any loss arising in a
12 taxable year in which—

13 “(I) the taxpayer (or any related
14 person) is not allowed a deduction
15 under this chapter for the taxable
16 year by reason of section 162(m) or
17 section 280G, or

18 “(II) the taxpayer (or any related
19 person) is a specified corporation for
20 the taxable year.

21 “(vi) SPECIFIED CORPORATION.—For
22 purposes of clause (v)—

23 “(I) IN GENERAL.—The term
24 ‘specified corporation’ means, with re-
25 spect to any taxable year, a corpora-

1 tion the aggregate distributions (in-
2 cluding redemptions) of which during
3 all taxable years ending after Decem-
4 ber 31, 2017, exceed the sum of appli-
5 cable stock issued of such corporation
6 and 5 percent of the fair market value
7 of the stock of such corporation as of
8 the last day of the taxable year.

9 “(II) APPLICABLE STOCK
10 ISSUED.—The term ‘applicable stock
11 issued’ means, with respect to any
12 corporation, the aggregate fair market
13 value of stock (as of the issue date of
14 such stock) issued by the corporation
15 during all taxable years ending after
16 December 31, 2017, in exchange for
17 money or property other than stock in
18 such corporation.

19 “(III) CERTAIN PREFERRED
20 STOCK DISREGARDED.—For purposes
21 of subclause (I), stock described in
22 section 1504(a)(4), and distributions
23 (including redemptions) with respect
24 to such stock, shall be disregarded.

1 “(vii) RELATED PERSON.—For pur-
2 poses of clause (v), a person is a related
3 person to a taxpayer if the related person
4 bears a relationship to the taxpayer speci-
5 fied in section 267(b) or section
6 707(b)(1).”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the enact-
9 ment of section 2302(b) of the Coronavirus Aid, Relief,
10 and Economic Security Act.

1 **DIVISION C—HEALTH PROVISIONS**

2 **TITLE I—MEDICAID PROVISIONS**

3 COVID—19-RELATED TEMPORARY INCREASE OF MEDICAID

4 FMAP

5 SEC. 30101.

6 (a) IN GENERAL.—Section 6008 of the Families
7 First Coronavirus Response Act (42 U.S.C. 1396d note)
8 is amended—

9 (1) in subsection (a)—

10 (A) by inserting “(or, if later, June 30,
11 2021)” after “last day of such emergency pe-
12 riod occurs”; and

13 (B) by striking “6.2 percentage points.”
14 and inserting “the percentage points specified
15 in subsection (e). In no case may the applica-
16 tion of this section result in the Federal medical
17 assistance percentage determined for a State
18 being more than 95 percent.”; and

19 (2) by adding at the end the following new sub-
20 sections:

21 “(e) SPECIFIED PERCENTAGE POINTS.—For pur-
22 poses of subsection (a), the percentage points specified in
23 this subsection are—

24 “(1) for each calendar quarter occurring during
25 the period beginning on the first day of the emer-

1 agency period described in paragraph (1)(B) of sec-
2 tion 1135(g) of the Social Security Act (42 U.S.C.
3 1320b-5(g)) and ending on June 30, 2020, 6.2 per-
4 centage points;

5 “(2) for each calendar quarter occurring during
6 the period beginning on July 1, 2020, and ending on
7 June 30, 2021, 14 percentage points; and

8 “(3) for each calendar quarter, if any, occurring
9 during the period beginning on July 1, 2021, and
10 ending on the last day of the calendar quarter in
11 which the last day of such emergency period occurs,
12 6.2 percentage points.

13 “(f) CLARIFICATIONS.—

14 “(1) In the case of a State that treats an indi-
15 vidual described in subsection (b)(3) as eligible for
16 the benefits described in such subsection, for the pe-
17 riod described in subsection (a), expenditures for
18 medical assistance and administrative costs attrib-
19 utable to such individual that would not otherwise be
20 included as expenditures under section 1903 of the
21 Social Security Act shall be regarded as expendi-
22 tures under the State plan approved under title XIX
23 of the Social Security Act or for administration of
24 such State plan.

1 “(2) The limitations on payment under sub-
2 sections (f) and (g) of section 1108 of the Social Se-
3 curity Act (42 U.S.C. 1308) shall not apply to Fed-
4 eral payments made under section 1903(a)(1) of the
5 Social Security Act (42 U.S.C. 1396b(a)(1)) attrib-
6 utable to the increase in the Federal medical assist-
7 ance percentage under this section.

8 “(3) Expenditures attributable to the increased
9 Federal medical assistance percentage under this
10 section shall not be counted for purposes of the limi-
11 tations under section 2104(b)(4) of such Act (42
12 U.S.C. 1397dd(b)(4)).

13 “(g) SCOPE OF APPLICATION.—An increase in the
14 Federal medical assistance percentage for a State under
15 this section shall not be taken into account for purposes
16 of payments under part D of title IV of the Social Security
17 Act (42 U.S.C. 651 et seq.).”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect and apply as if included
20 in the enactment of section 6008 of the Families First
21 Coronavirus Response Act (Public Law 116–127).

22 LIMITATION ON ADDITIONAL SECRETARIAL ACTION WITH
23 RESPECT TO MEDICAID SUPPLEMENTAL PAYMENTS
24 REPORTING REQUIREMENTS
25 SEC. 30102.

1 (a) IN GENERAL.—Notwithstanding any other provi-
2 sion of law, during the period that begins on the date of
3 enactment of this section and ends on the last day of the
4 emergency period described in paragraph (1)(B) of section
5 1135(g) of the Social Security Act (42 U.S.C. 1320b-
6 5(g)), the Secretary of Health and Human Services shall
7 not take any action (through promulgation of regulation,
8 issue of regulatory guidance, or otherwise) to—

9 (1) finalize or otherwise implement provisions
10 contained in the proposed rule published on Novem-
11 ber 18, 2019, on pages 63722 through 63785 of vol-
12 ume 84, Federal Register (relating to parts 430,
13 433, 447, 455, and 457 of title 42, Code of Federal
14 Regulations); or

15 (2) promulgate or implement any rule or provi-
16 sion similar to the provisions described in paragraph
17 (1) pertaining to the Medicaid program established
18 under title XIX of the Social Security Act (42
19 U.S.C. 1396 et seq.) or the State Children’s Health
20 Insurance Program established under title XXI of
21 such Act (42 U.S.C. 1397aa et seq.).

22 (b) CONTINUATION OF OTHER SECRETARIAL AU-
23 THORITY.—Nothing in this section shall be construed as
24 prohibiting the Secretary during the period described in
25 subsection (a) from taking any action (through promulga-

1 tion of regulation, issuance of regulatory guidance, or
2 other administrative action) to enforce a provision of law
3 in effect as of the date of enactment of this section with
4 respect to the Medicaid program established under title
5 XIX of the Social Security Act (42 U.S.C. 1396 et seq.)
6 or the State Children's Health Insurance Program estab-
7 lished under title XXI of such Act (42 U.S.C. 1397aa et
8 seq.), or to promulgate or implement a new rule or provi-
9 sion during such period with respect to such programs,
10 other than a rule or provision described in subsection (a)
11 and subject to the prohibition set forth in that subsection.

12 ADDITIONAL SUPPORT FOR MEDICAID HOME AND COMMU-
13 NITY-BASED SERVICES DURING THE COVID-19 EMER-
14 GENCY PERIOD
15 SEC. 30103.

16 (a) INCREASED FMAP.—

17 (1) IN GENERAL.—Notwithstanding section
18 1905(b) of the Social Security Act (42 U.S.C.
19 1396d(b)), in the case of an HCBS program State,
20 the Federal medical assistance percentage deter-
21 mined for the State under section 1905(b) of such
22 Act and, if applicable, increased under subsection
23 (y), (z), or (aa) of section 1905 of such Act (42
24 U.S.C. 1396d), section 1915(k) of such Act (42
25 U.S.C. 1396n(k)), or section 6008(a) of the Fami-
26 lies First Coronavirus Response Act (Public Law

1 116–127), shall be increased by 10 percentage
2 points with respect to expenditures of the State
3 under the State Medicaid program for home and
4 community-based services that are provided during
5 the HCBS program improvement period. In no case
6 may the application of the previous sentence result
7 in the Federal medical assistance percentage deter-
8 mined for a State being more than 95 percent.

9 (2) DEFINITIONS.—In this section:

10 (A) HCBS PROGRAM IMPROVEMENT PE-
11 RIOD.—The term “HCBS program improve-
12 ment period” means, with respect to a State,
13 the period—

14 (i) beginning on July 1, 2020; and

15 (ii) ending on June 30, 2021.

16 (B) HCBS PROGRAM STATE.—The term
17 “HCBS program State” means a State that
18 meets the condition described in subsection (b)
19 by submitting an application described in such
20 subsection, which is approved by the Secretary
21 pursuant to subsection (c).

22 (C) HOME AND COMMUNITY-BASED SERV-
23 ICES.—The term “home and community-based
24 services” means home health care services au-
25 thorized under paragraph (7) of section 1905(a)

1 of the Social Security Act (42 U.S.C.
2 1396d(a)), personal care services authorized
3 under paragraph (24) of such section, PACE
4 services authorized under paragraph (26) of
5 such section, services authorized under sub-
6 sections (b), (c), (i), (j), and (k) of section 1915
7 of such Act (42 U.S.C. 1396n), such services
8 authorized under a waiver under section 1115
9 of such Act (42 U.S.C. 1315), and such other
10 services specified by the Secretary.

11 (b) CONDITION.—The condition described in this sub-
12 section, with respect to a State, is that the State submits
13 an application to the Secretary, at such time and in such
14 manner as specified by the Secretary, that includes, in ad-
15 dition to such other information as the Secretary shall re-
16 quire—

17 (1) a description of which activities described in
18 subsection (d) that a state plans to implement and
19 a description of how it plans to implement such ac-
20 tivities;

21 (2) assurances that the Federal funds attrib-
22 utable to the increase under subsection (a) will be
23 used—

24 (A) to implement the activities described in
25 subsection (d); and

1 (B) to supplement, and not supplant, the
2 level of State funds expended for home and
3 community-based services for eligible individ-
4 uals through programs in effect as of the date
5 of the enactment of this section; and

6 (3) assurances that the State will conduct ade-
7 quate oversight and ensure the validity of such data
8 as may be required by the Secretary.

9 (c) APPROVAL OF APPLICATION.—Not later than 90
10 days after the date of submission of an application of a
11 State under subsection (b), the Secretary shall certify if
12 the application is complete. Upon certification that an ap-
13 plication of a State is complete, the application shall be
14 deemed to be approved for purposes of this section.

15 (d) ACTIVITIES TO IMPROVE THE DELIVERY OF
16 HCBS.—

17 (1) IN GENERAL.—A State shall work with
18 community partners, such as Area Agencies on
19 Aging, Centers for Independent Living, non-profit
20 home and community-based services providers, and
21 other entities providing home and community-based
22 services, to implement—

23 (A) the purposes described in paragraph

24 (2) during the COVID–19 public health emer-
25 gency period; and

1 (B) the purposes described in paragraph
2 (3) after the end of such emergency period.

3 (2) FOCUSED AREAS OF HCBS IMPROVE-
4 MENT.—The purposes described in this paragraph,
5 with respect to a State, are the following:

6 (A) To increase rates for home health
7 agencies and agencies that employ direct sup-
8 port professionals (including independent pro-
9 viders in a self-directed or consumer-directed
10 model) to provide home and community-based
11 services under the State Medicaid program,
12 provided that any agency or individual that re-
13 ceives payment under such an increased rate in-
14 creases the compensation it pays its home
15 health workers or direct support professionals.

16 (B) To provide paid sick leave, paid family
17 leave, and paid medical leave for home health
18 workers and direct support professionals.

19 (C) To provide hazard pay, overtime pay,
20 and shift differential pay for home health work-
21 ers and direct support professionals.

22 (D) To provide home and community-
23 based services to eligible individuals who are on
24 waiting lists for programs approved under sec-

1 tions 1115 or 1915 of the Social Security Act
2 (42 U.S.C. 1315, 1396n).

3 (E) To purchase emergency supplies and
4 equipment, which may include items not typi-
5 cally covered under the Medicaid program, such
6 as personal protective equipment, necessary to
7 enhance access to services and to protect the
8 health and well-being of home health workers
9 and direct support professionals.

10 (F) To pay for the travel of home health
11 workers and direct support professionals to con-
12 duct home and community-based services.

13 (G) To recruit new home health workers
14 and direct support professionals.

15 (H) To support family care providers of el-
16 igible individuals with needed supplies and
17 equipment, which may include items not typi-
18 cally covered under the Medicaid program, such
19 as personal protective equipment, and pay.

20 (I) To pay for training for home health
21 workers and direct support professionals that is
22 specific to the COVID-19 public health emer-
23 gency.

24 (J) To pay for assistive technologies, staff-
25 ing, and other costs incurred during the

1 COVID–19 public health emergency period in
2 order to facilitate community integration and
3 ensure an individual’s person-centered service
4 plan continues to be fully implemented.

5 (K) To prepare information and public
6 health and educational materials in accessible
7 formats (including formats accessible to people
8 with low literacy or intellectual disabilities)
9 about prevention, treatment, recovery and other
10 aspects of COVID–19 for eligible individuals,
11 their families, and the general community
12 served by agencies described in subparagraph
13 (A).

14 (L) To pay for American sign language in-
15 terpreters to assist in providing home and com-
16 munity-based services to eligible individuals and
17 to inform the general public about COVID–19.

18 (M) To allow day services providers to pro-
19 vide home and community-based services.

20 (N) To pay for other expenses deemed ap-
21 propriate by the Secretary to enhance, expand,
22 or strengthen Home and Community-Based
23 Services, including retainer payments, and ex-
24 penses which meet the criteria of the home and

1 community-based settings rule published on
2 January 16, 2014.

3 (3) PERMISSIBLE USES AFTER THE EMER-
4 GENCY PERIOD.—The purpose described in this
5 paragraph, with respect to a State, is to assist eligi-
6 ble individuals who had to relocate to a nursing fa-
7 cility or institutional setting from their homes dur-
8 ing the COVID–19 public health emergency period
9 in—

10 (A) moving back to their homes (including
11 by paying for moving costs, first month’s rent,
12 and other one-time expenses and start-up
13 costs);

14 (B) resuming home and community-based
15 services;

16 (C) receiving mental health services and
17 necessary rehabilitative service to regain skills
18 lost while relocated during the public health
19 emergency period; and

20 (D) while funds attributable to the in-
21 creased FMAP under this section remain avail-
22 able, continuing home and community-based
23 services for eligible individuals who were served
24 from a waiting list for such services during the
25 public health emergency period.

1 (e) REPORTING REQUIREMENTS.—

2 (1) STATE REPORTING REQUIREMENTS.—Not
3 later than December 31, 2022, any State with re-
4 spect to which an application is approved by the Sec-
5 retary pursuant to subsection (c) shall submit a re-
6 port to the Secretary that contains the following in-
7 formation:

8 (A) Activities and programs that were
9 funded using Federal funds attributable to such
10 increase.

11 (B) The number of eligible individuals who
12 were served by such activities and programs.

13 (C) The number of eligible individuals who
14 were able to resume home and community-
15 based services as a result of such activities and
16 programs.

17 (2) HHS EVALUATION.—

18 (A) IN GENERAL.—The Secretary shall
19 evaluate the implementation and outcomes of
20 this section in the aggregate using an external
21 evaluator with experience evaluating home and
22 community-based services, disability programs,
23 and older adult programs.

1 (B) EVALUATION CRITERIA.—For pur-
2 poses of subparagraph (A), the external eval-
3 uator shall—

4 (i) document and evaluate changes in
5 access, availability, and quality of home
6 and community-based services in each
7 HCBS program State;

8 (ii) document and evaluate aggregate
9 changes in access, availability, and quality
10 of home and community-based services
11 across all such States; and

12 (iii) evaluate the implementation and
13 outcomes of this section based on—

14 (I) the impact of this section on
15 increasing funding for home and com-
16 munity-based services;

17 (II) the impact of this section on
18 achieving targeted access, availability,
19 and quality of home and community-
20 based services; and

21 (III) promising practices identi-
22 fied by activities conducted pursuant
23 to subsection (d) that increase access
24 to, availability of, and quality of home
25 and community-based services.

1 (C) DISSEMINATION OF EVALUATION FIND-
2 INGS.—The Secretary shall—

3 (i) disseminate the findings from the
4 evaluations conducted under this para-
5 graph to—

6 (I) all State Medicaid directors;
7 and

8 (II) the Committee on Energy
9 and Commerce of the House of Rep-
10 resentatives, the Committee on Fi-
11 nance of the Senate, and the Special
12 Committee on Aging of the Senate;
13 and

14 (ii) make all evaluation findings pub-
15 licly available in an accessible electronic
16 format and any other accessible format de-
17 termined appropriate by the Secretary.

18 (D) OVERSIGHT.—Each State with respect
19 to which an application is approved by the Sec-
20 retary pursuant to subsection (c) shall ensure
21 adequate oversight of the expenditure of Fed-
22 eral funds pursuant to such increase in accord-
23 ance with the Medicaid regulations, including
24 section 1115 and 1915 waiver regulations and

1 special terms and conditions for any relevant
2 waiver or grant program.

3 (3) NON-APPLICATION OF THE PAPERWORK RE-
4 DUCATION ACT.—Chapter 35 of title 44, United
5 States Code (commonly referred to as the “Paper-
6 work Reduction Act of 1995”), shall not apply to the
7 provisions of this subsection.

8 (f) ADDITIONAL DEFINITIONS.—In this section:

9 (1) COVID–19 PUBLIC HEALTH EMERGENCY
10 PERIOD.—The term “COVID–19 public health emer-
11 gency period” means the portion of the emergency
12 period described in paragraph (1)(B) of section
13 1135(g) of the Social Security Act (42 U.S.C.
14 1320b–5(g)) beginning on or after the date of the
15 enactment of this Act.

16 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
17 individual” means an individual who is eligible for or
18 enrolled for medical assistance under a State Med-
19 icaid program.

20 (3) MEDICAID PROGRAM.—The term “Medicaid
21 program” means, with respect to a State, the State
22 program under title XIX of the Social Security Act
23 (42 U.S.C. 1396 et seq.) (including any waiver or
24 demonstration under such title or under section

1 1115 of such Act (42 U.S.C. 1315) relating to such
2 title).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Health and Human Services.

5 (5) STATE.—The term “State” has the mean-
6 ing given such term for purposes of title XIX of the
7 Social Security Act (42 U.S.C. 1396 et seq.).

8 COVERAGE AT NO COST SHARING OF COVID–19 VACCINE

9 AND TREATMENT

10 SEC. 30104.

11 (a) MEDICAID.—

12 (1) IN GENERAL.—Section 1905(a)(4) of the
13 Social Security Act (42 U.S.C. 1396d(a)(4)) is
14 amended—

15 (A) by striking “and (D)” and inserting
16 “(D)”; and

17 (B) by striking the semicolon at the end
18 and inserting “; (E) during the portion of the
19 emergency period described in paragraph (1)(B)
20 of section 1135(g) beginning on the date of the
21 enactment of the HEROES Act, a COVID–19
22 vaccine licensed under section 351 of the Public
23 Health Service Act, or approved or authorized
24 under sections 505 or 564 of the Federal Food,
25 Drug, and Cosmetic Act, and administration of
26 the vaccine; (F) during such portion of the

1 emergency period described in paragraph (1)(B)
2 of section 1135(g), items or services for the
3 prevention or treatment of COVID–19, includ-
4 ing drugs approved or authorized under such
5 section 505 or such section 564 or, without re-
6 gard to the requirements of section
7 1902(a)(10)(B) (relating to comparability), in
8 the case of an individual who is diagnosed with
9 or presumed to have COVID–19, during such
10 portion of such emergency period during which
11 such individual is infected (or presumed in-
12 fected) with COVID–19, the treatment of a
13 condition that may complicate the treatment of
14 COVID–19;”.

15 (2) PROHIBITION OF COST SHARING.—

16 (A) IN GENERAL.—Subsections (a)(2) and
17 (b)(2) of section 1916 of the Social Security
18 Act (42 U.S.C. 1396o) are each amended—

19 (i) in subparagraph (F), by striking
20 “or” at the end;

21 (ii) in subparagraph (G), by striking
22 “; and” and inserting “, or”; and

23 (iii) by adding at the end the fol-
24 lowing subparagraphs:

1 “(H) during the portion of the emergency
2 period described in paragraph (1)(B) of section
3 1135(g) beginning on the date of the enactment
4 of this subparagraph, a COVID–19 vaccine li-
5 censed under section 351 of the Public Health
6 Service Act, or approved or authorized under
7 section 505 or 564 of the Federal Food, Drug,
8 and Cosmetic Act, and the administration of
9 such vaccine, or

10 “(I) during such portion of the emergency
11 period described in paragraph (1)(B) of section
12 1135(g), any item or service furnished for the
13 treatment of COVID–19, including drugs ap-
14 proved or authorized under such section 505 or
15 such section 564 or, in the case of an individual
16 who is diagnosed with or presumed to have
17 COVID–19, during the portion of such emer-
18 gency period during which such individual is in-
19 fected (or presumed infected) with COVID–19,
20 the treatment of a condition that may com-
21 plicate the treatment of COVID–19; and”.

22 (B) APPLICATION TO ALTERNATIVE COST
23 SHARING.—Section 1916A(b)(3)(B) of the So-
24 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
25 is amended—

1 (i) in clause (xi), by striking “any
2 visit” and inserting “any service”; and

3 (ii) by adding at the end the following
4 clauses:

5 “(xii) During the portion of the emer-
6 gency period described in paragraph (1)(B)
7 of section 1135(g) beginning on the date of
8 the enactment of this clause, a COVID–19
9 vaccine licensed under section 351 of the
10 Public Health Service Act, or approved or
11 authorized under section 505 or 564 of the
12 Federal Food, Drug, and Cosmetic Act,
13 and the administration of such vaccine.

14 “(xiii) During such portion of the
15 emergency period described in paragraph
16 (1)(B) of section 1135(g), an item or serv-
17 ice furnished for the treatment of COVID–
18 19, including drugs approved or authorized
19 under such section 505 or such section 564
20 or, in the case of an individual who is diag-
21 nosed with or presumed to have COVID–
22 19, during such portion of such emergency
23 period during which such individual is in-
24 fected (or presumed infected) with
25 COVID–19, the treatment of a condition

1 that may complicate the treatment of
2 COVID–19.”.

3 (C) CLARIFICATION.—The amendments
4 made by this subsection shall apply with respect
5 to a State plan of a territory in the same man-
6 ner as a State plan of one of the 50 States.

7 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
8 GRAM.—Section 1928 of the Social Security Act (42
9 U.S.C. 1396s) is amended—

10 (1) in subsection (a)(1)—

11 (A) in subparagraph (A), by striking “;
12 and” and inserting a semicolon;

13 (B) in subparagraph (B), by striking the
14 period and inserting “; and”; and

15 (C) by adding at the end the following sub-
16 paragraph:

17 “(C) during the portion of the emergency
18 period described in paragraph (1)(B) of section
19 1135(g) beginning on the date of the enactment
20 of this subparagraph, each vaccine-eligible child
21 (as defined in subsection (b)) is entitled to re-
22 ceive a COVID–19 vaccine from a program-reg-
23 istered provider (as defined in subsection
24 (h)(7)) without charge for—

25 “(i) the cost of such vaccine; or

1 “(ii) the administration of such vac-
2 cine.”;

3 (2) in subsection (c)(2)—

4 (A) in subparagraph (C)(ii), by inserting “,
5 but, during the portion of the emergency period
6 described in paragraph (1)(B) of section
7 1135(g) beginning on the date of the enactment
8 of the HEROES Act, may not impose a fee for
9 the administration of a COVID–19 vaccine” be-
10 fore the period; and

11 (B) by adding at the end the following sub-
12 paragraph:

13 “(D) The provider will provide and admin-
14 ister an approved COVID–19 vaccine to a vac-
15 cine-eligible child in accordance with the same
16 requirements as apply under the preceding sub-
17 paragraphs to the provision and administration
18 of a qualified pediatric vaccine to such a
19 child.”; and

20 (3) in subsection (d)(1), in the first sentence,
21 by inserting “, including, during the portion of the
22 emergency period described in paragraph (1)(B) of
23 section 1135(g) beginning on the date of the enact-
24 ment of the HEROES Act, with respect to a
25 COVID–19 vaccine licensed under section 351 of the

1 Public Health Service Act, or approved or authorized
2 under section 505 or 564 of the Federal Food,
3 Drug, and Cosmetic Act” before the period.

4 (c) CHIP.—

5 (1) IN GENERAL.—Section 2103(c) of the So-
6 cial Security Act (42 U.S.C. 1397cc(c)) is amended
7 by adding at the end the following paragraph:

8 “(11) COVERAGE OF COVID–19 VACCINES AND
9 TREATMENT.—Regardless of the type of coverage
10 elected by a State under subsection (a), child health
11 assistance provided under such coverage for targeted
12 low-income children and, in the case that the State
13 elects to provide pregnancy-related assistance under
14 such coverage pursuant to section 2112, such preg-
15 nancy-related assistance for targeted low-income
16 pregnant women (as defined in section 2112(d))
17 shall include coverage, during the portion of the
18 emergency period described in paragraph (1)(B) of
19 section 1135(g) beginning on the date of the enact-
20 ment of this paragraph, of—

21 “(A) a COVID–19 vaccine licensed under
22 section 351 of the Public Health Service Act, or
23 approved or authorized under section 505 or
24 564 of the Federal Food, Drug, and Cosmetic

1 Act, and the administration of such vaccine;
2 and

3 “(B) any item or service furnished for the
4 treatment of COVID–19, including drugs ap-
5 proved or authorized under such section 505 or
6 such section 564, or, in the case of an indi-
7 vidual who is diagnosed with or presumed to
8 have COVID–19, during the portion of such
9 emergency period during which such individual
10 is infected (or presumed infected) with COVID–
11 19, the treatment of a condition that may com-
12 plicate the treatment of COVID–19.”

13 (2) PROHIBITION OF COST SHARING.—Section
14 2103(e)(2) of the Social Security Act (42 U.S.C.
15 1397cc(e)(2)), as amended by section 6004(b)(3) of
16 the Families First Coronavirus Response Act, is
17 amended—

18 (A) in the paragraph header, by inserting
19 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
20 before “OR PREGNANCY-RELATED ASSISTANCE”;
21 and

22 (B) by striking “visits described in section
23 1916(a)(2)(G), or” and inserting “services de-
24 scribed in section 1916(a)(2)(G), vaccines de-
25 scribed in section 1916(a)(2)(H) administered

1 during the portion of the emergency period de-
2 scribed in paragraph (1)(B) of section 1135(g)
3 beginning on the date of the enactment of the
4 HEROES Act, items or services described in
5 section 1916(a)(2)(I) furnished during such
6 emergency period, or”.

7 (d) CONFORMING AMENDMENTS.—Section 1937 of
8 the Social Security Act (42 U.S.C. 1396u–7) is amend-
9 ed—

10 (1) in subsection (a)(1)(B), by inserting “,
11 under subclause (XXIII) of section
12 1902(a)(10)(A)(ii),” after “section
13 1902(a)(10)(A)(i)”;

14 (2) in subsection (b)(5), by adding before the
15 period the following: “, and, effective on the date of
16 the enactment of the HEROES Act, must comply
17 with subparagraphs (F) through (I) of subsections
18 (a)(2) and (b)(2) of section 1916 and subsection
19 (b)(3)(B) of section 1916A”.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of enactment of
22 this Act and shall apply with respect to a COVID–19 vac-
23 cine beginning on the date that such vaccine is licensed
24 under section 351 of the Public Health Service Act (42

1 U.S.C. 262), or approved or authorized under section 505
2 or 564 of the Federal Food, Drug, and Cosmetic Act.

3 OPTIONAL COVERAGE AT NO COST SHARING OF COVID–19
4 TREATMENT AND VACCINES UNDER MEDICAID FOR
5 UNINSURED INDIVIDUALS
6 SEC. 30105.

7 (a) IN GENERAL.—Section 1902(a)(10) of the Social
8 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
9 matter following subparagraph (G), by striking “and any
10 visit described in section 1916(a)(2)(G)” and inserting the
11 following: “, any COVID–19 vaccine that is administered
12 during any such portion (and the administration of such
13 vaccine), any item or service that is furnished during any
14 such portion for the treatment of COVID–19, including
15 drugs approved or authorized under section 505 or 564
16 of the Federal Food, Drug, and Cosmetic Act, or, in the
17 case of an individual who is diagnosed with or presumed
18 to have COVID–19, during the period such individual is
19 infected (or presumed infected) with COVID–19, the
20 treatment of a condition that may complicate the treat-
21 ment of COVID–19, and any services described in section
22 1916(a)(2)(G)”.

23 (b) DEFINITION OF UNINSURED INDIVIDUAL.—

24 (1) IN GENERAL.—Subsection (ss) of section
25 1902 of the Social Security Act (42 U.S.C. 1396a)
26 is amended to read as follows:

1 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
2 poses of this section, the term ‘uninsured individual’
3 means, notwithstanding any other provision of this title,
4 any individual who is not covered by minimum essential
5 coverage (as defined in section 5000A(f)(1) of the Internal
6 Revenue Code of 1986).”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall take effect and apply as if in-
9 cluded in the enactment of the Families First
10 Coronavirus Response Act (Public Law 116–127).

11 (c) CLARIFICATION REGARDING EMERGENCY SERV-
12 ICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of
13 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
14 ed by adding at the end the following flush sentence:

15 “For purposes of subparagraph (A), care and serv-
16 ices described in such subparagraph include any in
17 vitro diagnostic product described in section
18 1905(a)(3)(B) (and the administration of such prod-
19 uct), any COVID–19 vaccine (and the administra-
20 tion of such vaccine), any item or service that is fur-
21 nished for the treatment of COVID–19, including
22 drugs approved or authorized under section 505 or
23 564 of the Federal Food, Drug, and Cosmetic Act,
24 or a condition that may complicate the treatment of

1 COVID–19, and any services described in section
2 1916(a)(2)(G).”.

3 (d) INCLUSION OF COVID–19 CONCERN AS AN
4 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-
5 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
6 adding at the end the following flush sentence:

7 “Such term includes any indication that an alien de-
8 scribed in paragraph (1) may have contracted
9 COVID–19.”.

10 EXTENSION OF FULL FEDERAL MEDICAL ASSISTANCE

11 PERCENTAGE TO INDIAN HEALTH CARE PROVIDERS

12 SEC. 30106.

13 Section 1905 of the Social Security Act (42 U.S.C.
14 1396d) is amended—

15 (1) in subsection (a), by amending paragraph
16 (9) to read as follows:

17 “(9) clinic services furnished by or under the
18 direction of a physician, without regard to whether
19 the clinic itself is administered by a physician, in-
20 cluding—

21 “(A) such services furnished outside the
22 clinic by clinic personnel to an eligible indi-
23 vidual who does not reside in a permanent
24 dwelling or does not have a fixed home or mail-
25 ing address; and

1 “(B) for the period beginning on July 1,
2 2020, and ending on June 30, 2021, such serv-
3 ices provided outside the clinic on the basis of
4 a referral from a clinic administered by an In-
5 dian Health Program (as defined in paragraph
6 (12) of section 4 of the Indian Health Care Im-
7 provement Act, or an Urban Indian Organiza-
8 tion as defined in paragraph (29) of section 4
9 of such Act that has a grant or contract with
10 the Indian Health Service under title V of such
11 Act;”.

12 (2) in subsection (b), by inserting after “(as de-
13 fined in section 4 of the Indian Health Care Im-
14 provement Act)” the following: “; for the period be-
15 ginning on July 1, 2020, and ending on June 30,
16 2021, the Federal medical assistance percentage
17 shall also be 100 per centum with respect to
18 amounts expended as medical assistance for services
19 which are received through an Urban Indian organi-
20 zation (as defined in section 4 of the Indian Health
21 Care Improvement Act) that has a grant or contract
22 with the Indian Health Service under title V of such
23 Act; and, for such period, the Federal medical as-
24 sistance percentage shall also be 100 per centum
25 with respect to amounts expended as medical assist-

1 ance for services provided to an individual who is eli-
2 gible to receive services from the Indian Health
3 Service and is eligible for assistance under the State
4 plan, by a participating provider under the State
5 plan whether provided directly or on the basis of a
6 referral from the Indian Health Service, a Indian
7 Health Service facility operated by an Indian tribe
8 or tribal organization, or an Urban Indian organiza-
9 tion (as defined in section 4 of such Act) that has
10 a grant or contract with the Indian Health Service
11 under title V of such Act”.

12 MEDICAID COVERAGE FOR CITIZENS OF FREELY

13 ASSOCIATED STATES

14 SEC. 30107.

15 (a) IN GENERAL.—Section 402(b)(2) of the Personal
16 Responsibility and Work Opportunity Reconciliation Act
17 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
18 the end the following new subparagraph:

19 “(G) MEDICAID EXCEPTION FOR CITIZENS
20 OF FREELY ASSOCIATED STATES.—With respect
21 to eligibility for benefits for the designated Fed-
22 eral program defined in paragraph (3)(C) (re-
23 lating to the Medicaid program), section 401(a)
24 and paragraph (1) shall not apply to any indi-
25 vidual who lawfully resides in 1 of the 50 States
26 or the District of Columbia in accordance with

1 the Compacts of Free Association between the
2 Government of the United States and the Gov-
3 ernments of the Federated States of Micro-
4 nesia, the Republic of the Marshall Islands, and
5 the Republic of Palau and shall not apply, at
6 the option of the Governor of Puerto Rico, the
7 Virgin Islands, Guam, the Northern Mariana
8 Islands, or American Samoa as communicated
9 to the Secretary of Health and Human Services
10 in writing, to any individual who lawfully re-
11 sides in the respective territory in accordance
12 with such Compacts.”.

13 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—
14 Section 403(d) of such Act (8 U.S.C. 1613(d)) is amend-
15 ed—

16 (1) in paragraph (1), by striking “or” at the
17 end;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; or”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(3) an individual described in section
23 402(b)(2)(G), but only with respect to the des-
24 ignated Federal program defined in section
25 402(b)(3)(C).”.

1 (c) DEFINITION OF QUALIFIED ALIEN.—Section
2 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

3 (1) in paragraph (6), by striking “; or” at the
4 end and inserting a comma;

5 (2) in paragraph (7), by striking the period at
6 the end and inserting “, or”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(8) an individual who lawfully resides in the
10 United States in accordance with a Compact of Free
11 Association referred to in section 402(b)(2)(G), but
12 only with respect to the designated Federal program
13 defined in section 402(b)(3)(C) (relating to the Med-
14 icaid program).”.

15 (d) APPLICATION TO STATE PLANS.—Section
16 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.
17 1396a(a)(10)(A)(i)) is amended by inserting after sub-
18 clause (IX) the following:

19 “(X) who are described in section
20 402(b)(2)(G) of the Personal Respon-
21 sibility and Work Opportunity Rec-
22 onciliation Act of 1996 and eligible
23 for benefits under this title by reason
24 of application of such section;”.

1 (e) CONFORMING AMENDMENTS.—Section 1108 of
2 the Social Security Act (42 U.S.C. 1308) is amended—

3 (1) in subsection (f), in the matter preceding
4 paragraph (1), by striking “subsections (g) and (h)
5 and section 1935(e)(1)(B)” and inserting “sub-
6 sections (g), (h), and (i) and section 1935(e)(1)(B)”;
7 and

8 (2) by adding at the end the following:

9 “(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
10 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
11 Expenditures for medical assistance provided to an indi-
12 vidual described in section 431(b)(8) of the Personal Re-
13 sponsibility and Work Opportunity Reconciliation Act of
14 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into ac-
15 count for purposes of applying payment limits under sub-
16 sections (f) and (g).”.

17 (f) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to benefits for items and services
19 furnished on or after the date of the enactment of this
20 Act.

21 TEMPORARY INCREASE IN MEDICAID DSH ALLOTMENTS
22 SEC. 30108.

23 (a) IN GENERAL.—Section 1923(f)(3) of the Social
24 Security Act (42 U.S.C. 1396r-4(f)(3)) is amended—

1 (1) in subparagraph (A), by striking “and sub-
2 paragraph (E)” and inserting “and subparagraphs
3 (E) and (F)”; and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(F) TEMPORARY INCREASE IN ALLOT-
7 MENTS DURING CERTAIN PUBLIC HEALTH
8 EMERGENCY.—The DSH allotment for any
9 State for each of fiscal years 2020 and 2021 is
10 equal to 102.5 percent of the DSH allotment
11 that would be determined under this paragraph
12 for the State for each respective fiscal year
13 without application of this subparagraph, not-
14 withstanding subparagraphs (B) and (C). For
15 each fiscal year after fiscal year 2021, the DSH
16 allotment for a State for such fiscal year is
17 equal to the DSH allotment that would have
18 been determined under this paragraph for such
19 fiscal year if this subparagraph had not been
20 enacted.
21 ”.

22 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-
23 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security
24 Act (42 U.S.C. 1396r–4(f)(6)(A)(vi)) is amended—

1 (1) by striking “Notwithstanding any other pro-
2 vision of this subsection” and inserting the fol-
3 lowing:

4 “(I) IN GENERAL.—Notwith-
5 standing any other provision of this
6 subsection (except as provided in sub-
7 clause (II) of this clause)”;

8 (2) by adding at the end the following:

9 “(II) TEMPORARY INCREASE IN
10 ALLOTMENTS.—The DSH allotment
11 for Tennessee for each of fiscal years
12 2020 and 2021 shall be equal to
13 \$54,427,500.”.

14 (c) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that a State should prioritize making payments
16 under the State plan of the State under title XIX of the
17 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver
18 of such plan) to disproportionate share hospitals that have
19 a higher share of COVID–19 patients relative to other
20 such hospitals in the State.

21 EXTENSION OF EXISTING SECTION 1115

22 DEMONSTRATIONS

23 SEC. 30109.

24 (a) APPLICABILITY.—This section shall apply with
25 respect to demonstrations operated by States pursuant to
26 section 1115(a) of the Social Security Act (42 U.S.C.

1 1315(a)) to promote the objectives of title XIX or XXI
2 of the Social Security Act with a project term set to end
3 on or before February 28, 2021.

4 (b) APPROVAL OF EXTENSION.—Upon request by a
5 State, the Secretary of Health and Human Services shall
6 approve an extension of the waiver and expenditure au-
7 thorities for a demonstration project described in sub-
8 section (a) for a period up to and including December 31,
9 2021, to ensure continuity of programs and funding dur-
10 ing the emergency period described in section
11 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
12 1320b–5(g)(1)(B)).

13 (c) EXTENSION TERMS AND CONDITIONS.—(1) The
14 approval pursuant to this section shall extend the terms
15 and conditions that applied to the demonstration project
16 to the extension period. Financial terms and conditions
17 shall continue at levels equivalent to the prior demonstra-
18 tion or program year. All demonstration program compo-
19 nents shall be extended to operate through the end of the
20 extension term. In its request for an extension, the State
21 shall identify operational and programmatic changes nec-
22 essary to continue and stabilize programs into the exten-
23 sion period and shall work with the Secretary of Health
24 and Human Services to implement such changes.

1 (2) Notwithstanding the foregoing, the State may re-
2 quest, and the Secretary of Health and Human Services
3 may approve, modifications to a demonstration project's
4 terms and conditions to address the impact of the federally
5 designated public health emergency with respect to
6 COVID-19. Such modifications may, at the option of the
7 State, become effective retroactive to the start of the cal-
8 endar quarter in which the first day of the emergency pe-
9 riod described in paragraph (1)(B) of section 1135(g) of
10 the Social Security Act (42 U.S.C. 1320b-5(g)) occurs.

11 (d) BUDGET NEUTRALITY.—Budget neutrality for
12 extensions under this section shall be deemed to have been
13 met at the conclusion of the extension period, and States
14 receiving extensions under this section shall not be re-
15 quired to submit a budget neutrality analysis for the ex-
16 tension period.

17 (e) EXPEDITED APPLICATION PROCESS.—The Fed-
18 eral and State public notice and comment procedures or
19 other time constraints otherwise applicable to demonstra-
20 tion project amendments shall be waived to expedite a
21 State's extension request pursuant to this section. The
22 Secretary of Health and Human Services shall approve the
23 extension application within 45 days of a State's submis-
24 sion of its request, or such other timeframe as is mutually
25 agreed to with the State.

1 (f) CONTINUATION OF SECRETARIAL AUTHORITY
2 UNDER DECLARED EMERGENCY.—This section does not
3 restrict the Secretary of Health and Human Services from
4 exercising existing flexibilities through demonstration
5 projects operated pursuant to section 1115 of the Social
6 Security Act (42 U.S.C. 1315) in conjunction with the
7 COVID–19 public health emergency.

8 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall authorize the Secretary of Health and Human
10 Service to approve or extend a waiver that fails to meet
11 the requirements of section 1115 of the Social Security
12 Act (42 U.S.C. 1315).

13 ALLOWING FOR MEDICAL ASSISTANCE UNDER MEDICAID
14 FOR INMATES DURING 30-DAY PERIOD PRECEDING
15 RELEASE
16 SEC. 30110.

17 (a) IN GENERAL.—The subdivision (A) following
18 paragraph (30) of section 1905(a) of the Social Security
19 Act (42 U.S.C. 1396d(a)) is amended by inserting “and
20 except during the 30-day period preceding the date of re-
21 lease of such individual from such public institution” after
22 “medical institution”.

23 (b) REPORT.—Not later than June 30, 2022, the
24 Medicaid and CHIP Payment and Access Commission
25 shall submit a report to Congress on the Medicaid inmate
26 exclusion under the subdivision (A) following paragraph

1 (30) of section 1905(a) of the Social Security Act (42
2 U.S.C. 1396d(a)). Such report may, to the extent prac-
3 ticable, include the following information:

4 (1) The number of incarcerated individuals who
5 would otherwise be eligible to enroll for medical as-
6 sistance under a State plan approved under title
7 XIX of the Social Security Act (42 U.S.C. 1396 et
8 seq.) (or a waiver of such a plan).

9 (2) Access to health care for incarcerated indi-
10 viduals, including a description of medical services
11 generally available to incarcerated individuals.

12 (3) A description of current practices related to
13 the discharge of incarcerated individuals, including
14 how prisons interact with State Medicaid agencies to
15 ensure that such individuals who are eligible to en-
16 roll for medical assistance under a State plan or
17 waiver described in paragraph (1) are so enrolled.

18 (4) If determined appropriate by the Commis-
19 sion, recommendations for Congress, the Depart-
20 ment of Health and Human Services, or States re-
21 garding the Medicaid inmate exclusion.

22 (5) Any other information that the Commission
23 determines would be useful to Congress.

24 MEDICAID COVERAGE OF CERTAIN MEDICAL

25 TRANSPORTATION

26 SEC. 30111.

1 (a) CONTINUING REQUIREMENT OF MEDICAID COV-
2 ERAGE OF NECESSARY TRANSPORTATION.—

3 (1) REQUIREMENT.—Section 1902(a)(4) of the
4 Social Security Act (42 U.S.C. 1396a(a)(4)) is
5 amended—

6 (A) by striking “and including provision
7 for utilization” and inserting “including provi-
8 sion for utilization”; and

9 (B) by inserting after “supervision of ad-
10 ministration of the plan” the following: “, and,
11 subject to section 1903(i), including a specifica-
12 tion that the single State agency described in
13 paragraph (5) will ensure necessary transpor-
14 tation for beneficiaries under the State plan to
15 and from providers and a description of the
16 methods that such agency will use to ensure
17 such transportation”.

18 (2) APPLICATION WITH RESPECT TO BENCH-
19 MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-
20 ALENT COVERAGE.—Section 1937(a)(1) of the Social
21 Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-
22 ed—

23 (A) in subparagraph (A), by striking “sub-
24 section (E)” and inserting “subparagraphs (E)
25 and (F)”; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(F) NECESSARY TRANSPORTATION.—The
4 State may only exercise the option under sub-
5 paragraph (A)(i) if, subject to section
6 1903(i)(9) and in accordance with section
7 1902(a)(4), the benchmark benefit package or
8 benchmark equivalent coverage described in
9 such subparagraph (or the State)—

10 “(i) ensures necessary transportation
11 for individuals enrolled under such package
12 or coverage to and from providers; and

13 “(ii) provides a description of the
14 methods that will be used to ensure such
15 transportation.

16 ”.

17 (3) LIMITATION ON FEDERAL FINANCIAL PAR-
18 TICIPATION.—Section 1903(i) of the Social Security
19 Act (42 U.S.C. 1396b(i)) is amended by inserting
20 after paragraph (8) the following new paragraph:

21 “(9) with respect to any amount expended
22 for non-emergency transportation described in
23 section 1902(a)(4), unless the State plan pro-
24 vides for the methods and procedures required
25 under section 1902(a)(30)(A); or”.

1 (4) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on the date of the
3 enactment of this Act and shall apply to transpor-
4 tation furnished on or after such date.

5 (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-
6 LATED TO COVERAGE OF NONEMERGENCY MEDICAL
7 TRANSPORTATION.—

8 (1) GAO STUDY.—Not later than two years
9 after the date of the enactment of this Act, the
10 Comptroller General of the United States shall con-
11 duct a study, and submit to Congress, a report on
12 coverage under the Medicaid program under title
13 XIX of the Social Security Act of nonemergency
14 transportation to medically necessary services. Such
15 study shall take into account the 2009 report of the
16 Office of the Inspector General of the Department of
17 Health and Human Services, titled “Fraud and
18 Abuse Safeguards for Medicaid Nonemergency Med-
19 ical Transportation” (OEI–06–07–003200). Such
20 report shall include the following:

21 (A) An examination of the 50 States and
22 the District of Columbia to identify safeguards
23 to prevent and detect fraud and abuse with re-
24 spect to coverage under the Medicaid program

1 of nonemergency transportation to medically
2 necessary services.

3 (B) An examination of transportation bro-
4 kers to identify the range of safeguards against
5 such fraud and abuse to prevent improper pay-
6 ments for such transportation.

7 (C) Identification of the numbers, types,
8 and outcomes of instances of fraud and abuse,
9 with respect to coverage under the Medicaid
10 program of such transportation, that State
11 Medicaid Fraud Control Units have investigated
12 in recent years.

13 (D) Identification of commonalities or
14 trends in program integrity, with respect to
15 such coverage, to inform risk management
16 strategies of States and the Centers for Medi-
17 care & Medicaid Services.

18 (2) STAKEHOLDER WORKING GROUP.—

19 (A) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the
21 Secretary of Health and Human Services,
22 through the Centers of Medicare & Medicaid
23 Services, shall convene a series of meetings to
24 obtain input from appropriate stakeholders to
25 facilitate discussion and shared learning about

1 the leading practices for improving Medicaid
2 program integrity, with respect to coverage of
3 nonemergency transportation to medically nec-
4 essary services.

5 (B) TOPICS.—The meetings convened
6 under subparagraph (A) shall—

7 (i) focus on ongoing challenges to
8 Medicaid program integrity as well as lead-
9 ing practices to address such challenges;
10 and

11 (ii) address specific challenges raised
12 by stakeholders involved in coverage under
13 the Medicaid program of nonemergency
14 transportation to medically necessary serv-
15 ices, including unique considerations for
16 specific groups of Medicaid beneficiaries
17 meriting particular attention, such as
18 American Indians and tribal land issues or
19 accommodations for individuals with dis-
20 abilities.

21 (C) STAKEHOLDERS.—Stakeholders de-
22 scribed in subparagraph (A) shall include indi-
23 viduals from State Medicaid programs, brokers
24 for nonemergency transportation to medically
25 necessary services that meet the criteria de-

1 scribed in section 1902(a)(70)(B) of the Social
2 Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-
3 viders (including transportation network compa-
4 nies), Medicaid patient advocates, and such
5 other individuals specified by the Secretary.

6 (3) GUIDANCE REVIEW.—Not later than 18
7 months after the date of the enactment of this Act,
8 the Secretary of Health and Human Services,
9 through the Centers for Medicare & Medicaid Serv-
10 ices, shall assess guidance issued to States by the
11 Centers for Medicare & Medicaid Services relating to
12 Federal requirements for nonemergency transpor-
13 tation to medically necessary services under the
14 Medicaid program under title XIX of the Social Se-
15 curity Act and update such guidance as necessary to
16 ensure States have appropriate and current guidance
17 in designing and administering coverage under the
18 Medicaid program of nonemergency transportation
19 to medically necessary services.

20 (4) NEMT TRANSPORTATION PROVIDER AND
21 DRIVER REQUIREMENTS.—

22 (A) STATE PLAN REQUIREMENT.—Section
23 1902(a) of the Social Security Act (42 U.S.C.
24 1396a(a)) is amended—

1 (i) by striking “and” at the end of
2 paragraph (85);

3 (ii) by striking the period at the end
4 of paragraph (86) and inserting “; and”;
5 and

6 (iii) by inserting after paragraph (86)
7 the following new paragraph:

8 “(87) provide for a mechanism, which may in-
9 clude attestation, that ensures that, with respect to
10 any provider (including a transportation network
11 company) or individual driver of nonemergency
12 transportation to medically necessary services receiv-
13 ing payments under such plan (but excluding any
14 public transit authority), at a minimum—

15 “(A) each such provider and individual
16 driver is not excluded from participation in any
17 Federal health care program (as defined in sec-
18 tion 1128B(f)) and is not listed on the exclu-
19 sion list of the Inspector General of the Depart-
20 ment of Health and Human Services;

21 “(B) each such individual driver has a
22 valid driver’s license;

23 “(C) each such provider has in place a
24 process to address any violation of a State drug
25 law; and

1 “(D) each such provider has in place a
2 process to disclose to the State Medicaid pro-
3 gram the driving history, including any traffic
4 violations, of each such individual driver em-
5 ployed by such provider, including any traffic
6 violations.”.

7 (B) EFFECTIVE DATE.—

8 (i) IN GENERAL.—Except as provided
9 in clause (ii), the amendments made by
10 subparagraph (A) shall take effect on the
11 date of the enactment of this Act and shall
12 apply to services furnished on or after the
13 date that is one year after the date of the
14 enactment of this Act.

15 (ii) EXCEPTION IF STATE LEGISLA-
16 TION REQUIRED.—In the case of a State
17 plan for medical assistance under title XIX
18 of the Social Security Act which the Sec-
19 retary of Health and Human Services de-
20 termines requires State legislation (other
21 than legislation appropriating funds) in
22 order for the plan to meet the additional
23 requirement imposed by the amendments
24 made by subparagraph (A), the State plan
25 shall not be regarded as failing to comply

1 with the requirements of such title solely
2 on the basis of its failure to meet this ad-
3 ditional requirement before the first day of
4 the first calendar quarter beginning after
5 the close of the first regular session of the
6 State legislature that begins after the date
7 of the enactment of this Act. For purposes
8 of the previous sentence, in the case of a
9 State that has a 2-year legislative session,
10 each year of such session shall be deemed
11 to be a separate regular session of the
12 State legislature.

13 (5) ANALYSIS OF T-MSIS DATA.—Not later
14 than one year after the date of the enactment of this
15 Act, the Secretary of Health and Human Services,
16 through the Centers for Medicare & Medicaid Serv-
17 ices, shall analyze, and submit to Congress a report
18 on, the nation-wide data set under the Transformed
19 Medicaid Statistical Information System to identify
20 recommendations relating to coverage under the
21 Medicaid program under title XIX of the Social Se-
22 curity Act of nonemergency transportation to medi-
23 cally necessary services.

1 TITLE II—MEDICARE PROVISIONS

2 HOLDING MEDICARE BENEFICIARIES HARMLESS FOR
3 SPECIFIED COVID–19 TREATMENT SERVICES FUR-
4 NISHED UNDER PART A OR PART B OF THE MEDI-
5 CARE PROGRAM

6 SEC. 30201.

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, in the case of a specified COVID–19 treat-
9 ment service (as defined in subsection (b)) furnished dur-
10 ing any portion of the emergency period described in para-
11 graph (1)(B) of section 1135(g) of the Social Security Act
12 (42 U.S.C. 1320b-5(g)) beginning on or after the date of
13 the enactment of this Act to an individual entitled to bene-
14 fits under part A or enrolled under part B of title XVIII
15 of the Social Security Act (42 U.S.C. 1395 et seq.) for
16 which payment is made under such part A or such part
17 B, the Secretary of Health and Human Services (in this
18 section referred to as the “Secretary”) shall provide
19 that—

20 (1) any cost-sharing required (including any de-
21 ductible, copayment, or coinsurance) applicable to
22 such individual under such part A or such part B
23 with respect to such item or service is paid by the
24 Secretary; and

1 (2) the provider of services or supplier (as de-
2 fined in section 1861 of the Social Security Act (42
3 U.S.C. 1395x)) does not hold such individual liable
4 for such requirement.

5 (b) DEFINITION OF SPECIFIED COVID-19 TREAT-
6 MENT SERVICES.—For purposes of this section, the term
7 “specified COVID-19 treatment service” means any item
8 or service furnished to an individual for which payment
9 may be made under part A or part B of title XVIII of
10 the Social Security Act (42 U.S.C. 1395 et seq.) if such
11 item or service is included in a claim with an ICD-10-
12 CM code relating to COVID-19 (as described in the docu-
13 ment entitled “ICD-10-CM Official Coding Guidelines -
14 Supplement Coding encounters related to COVID-19
15 Coronavirus Outbreak” published on February 20, 2020,
16 or as otherwise specified by the Secretary).

17 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY
18 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-
19 SURANCE COVERAGE.—

20 (1) IN GENERAL.—In the case of any amount
21 paid by the Secretary pursuant to subsection (a)(1)
22 that the Secretary determines would otherwise have
23 been paid by a group health plan or health insurance
24 issuer (as such terms are defined in section 2791 of
25 the Public Health Service Act (42 U.S.C. 300gg—

1 91)), a private entity offering a medicare supple-
2 mental policy under section 1882 of the Social Secu-
3 rity Act (42 U.S.C. 1395ss), any other health plan
4 offering supplemental coverage, a State plan under
5 title XIX of the Social Security Act, or the Secretary
6 of Defense under the TRICARE program, such
7 plan, issuer, private entity, other health plan, State
8 plan, or Secretary of Defense, as applicable, shall
9 pay to the Secretary, not later than 1 year after
10 such plan, issuer, private entity, other health plan,
11 State plan, or Secretary of Defense receives a notice
12 under paragraph (3), such amount in accordance
13 with this subsection.

14 (2) REQUIRED INFORMATION.—Not later than
15 9 months after the date of the enactment of this
16 Act, each group health plan, health insurance issuer,
17 private entity, other health plan, State plan, and
18 Secretary of Defense described in paragraph (1)
19 shall submit to the Secretary such information as
20 the Secretary determines necessary for purposes of
21 carrying out this subsection. Such information so
22 submitted shall be updated by such plan, issuer, pri-
23 vate entity, other health plan, State plan, or Sec-
24 retary of Defense, as applicable, at such time and in
25 such manner as specified by the Secretary.

1 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

2 The Secretary shall establish a process under which
3 claims for items and services for which the Secretary
4 has paid an amount pursuant to subsection (a)(1)
5 are reviewed for purposes of identifying if such
6 amount would otherwise have been paid by a plan,
7 issuer, private entity, other health plan, State plan,
8 or Secretary of Defense described in paragraph (1).
9 In the case such a claim is so identified, the Sec-
10 retary shall determine the amount that would have
11 been otherwise payable by such plan, issuer, private
12 entity, other health plan, State plan, or Secretary of
13 Defense and notify such plan, issuer, private entity,
14 other health plan, State plan, or Secretary of De-
15 fense of such amount.

16 (4) ENFORCEMENT.—The Secretary may im-
17 pose a civil monetary penalty in an amount deter-
18 mined appropriate by the Secretary in the case of a
19 plan, issuer, private entity, other health plan, or
20 State plan that fails to comply with a provision of
21 this section. The provisions of section 1128A of the
22 Social Security Act shall apply to a civil monetary
23 penalty imposed under the previous sentence in the
24 same manner as such provisions apply to a penalty

1 or proceeding under subsection (a) or (b) of such
2 section.

3 (d) FUNDING.—The Secretary shall provide for the
4 transfer to the Centers for Medicare & Medicaid Program
5 Management Account from the Federal Hospital Insur-
6 ance Trust Fund and the Federal Supplementary Trust
7 Fund (in such portions as the Secretary determines appro-
8 priate) \$100,000,000 for purposes of carrying out this
9 section.

10 (e) REPORT.—Not later than 3 years after the date
11 of the enactment of this Act, the Inspector General of the
12 Department of Health and Human Services shall submit
13 to Congress a report containing an analysis of amounts
14 paid pursuant to subsection (a)(1) compared to amounts
15 paid to the Secretary pursuant to subsection (c).

16 (f) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of this section by program instruction or otherwise.

19 ENSURING COMMUNICATIONS ACCESSIBILITY FOR RESI-
20 DENTS OF SKILLED NURSING FACILITIES DURING
21 THE COVID–19 EMERGENCY PERIOD
22 SEC. 30202.

23 (a) IN GENERAL.—Section 1819(c)(3) of the Social
24 Security Act (42 U.S.C. 1395i–3(c)(3)) is amended—

25 (1) in subparagraph (D), by striking “and” at
26 the end;

1 (2) in subparagraph (E), by striking the period
2 and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(F) provide for reasonable access to the
6 use of a telephone, including TTY and TDD
7 services (as defined for purposes of section
8 483.10 of title 42, Code of Federal Regulations
9 (or a successor regulation)), and the internet
10 (to the extent available to the facility) and in-
11 form each such resident (or a representative of
12 such resident) of such access and any changes
13 in policies or procedures of such facility relating
14 to limitations on external visitors.”.

15 (b) COVID–19 PROVISIONS.—

16 (1) GUIDANCE.—Not later than 15 days after
17 the date of the enactment of this Act, the Secretary
18 of Health and Human Service shall issue guidance
19 on steps skilled nursing facilities may take to ensure
20 residents have access to televisitation during the
21 emergency period defined in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–
23 5(g)(1)(B)). Such guidance shall include information
24 on how such facilities will notify residents of such
25 facilities, representatives of such residents, and rel-

1 atives of such residents of the rights of such resi-
2 dents to such televisitation, and ensure timely and
3 equitable access to such televisitation.

4 (2) REVIEW OF FACILITIES.—The Secretary of
5 Health and Human Services shall take such steps as
6 determined appropriate by the Secretary to ensure
7 that residents of skilled nursing facilities and rel-
8 atives of such residents are made aware of the ac-
9 cess rights described in section 1819(c)(3)(F) of the
10 Social Security Act (42 U.S.C. 1395i–3(c)(3)(F)).

11 MEDICARE HOSPITAL INPATIENT PROSPECTIVE PAYMENT
12 SYSTEM OUTLIER PAYMENTS FOR COVID–19 PA-
13 TIENTS DURING CERTAIN EMERGENCY PERIOD
14 SEC. 30203.

15 (a) IN GENERAL.—Section 1886(d)(5)(A) of the So-
16 cial Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amend-
17 ed—

18 (1) in clause (ii), by striking “For cases” and
19 inserting “Subject to clause (vii), for cases”;

20 (2) in clause (iii), by striking “The amount”
21 and inserting “Subject to clause (vii), the amount”;

22 (3) in clause (iv), by striking “The total
23 amount” and inserting “Subject to clause (vii), the
24 total amount”; and

25 (4) by adding at the end the following new
26 clause:

1 “(vii) For discharges that have a primary or sec-
2 ondary diagnosis of COVID–19 and that occur during the
3 period beginning on the date of the enactment of this
4 clause and ending on the sooner of January 31, 2021, or
5 the last day of the emergency period described in section
6 1135(g)(1)(B), the amount of any additional payment
7 under clause (ii) for a subsection (d) hospital for such a
8 discharge shall be determined as if—

9 “(I) clause (ii) was amended by striking ‘plus
10 a fixed dollar amount determined by the Secretary’;

11 “(II) the reference in clause (iii) to ‘approxi-
12 mate the marginal cost of care beyond the cutoff
13 point applicable under clause (i) or (ii)’ were a ref-
14 erence to ‘approximate the marginal cost of care be-
15 yond the cutoff point applicable under clause (i), or,
16 in the case of an additional payment requested
17 under clause (ii), be equal to 100 percent of the
18 amount by which the costs of the discharge for
19 which such additional payment is so requested ex-
20 ceed the applicable DRG prospective payment rate’;
21 and

22 “(III) clause (iv) does not apply.”.

23 (b) EXCLUSION FROM REDUCTION IN AVERAGE
24 STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-
25 CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of

1 the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is
2 amended by inserting before the period the following: “,
3 other than additional payments described in clause (vii)
4 of such paragraph”.

5 (c) APPLICATION TO SITE NEUTRAL IPPS PAYMENT
6 RATES.—Section 1886(m)(6)(B) of the Social Security
7 Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

8 (1) in clause (i)—

9 (A) in the matter preceding subclause (I),
10 by striking “In this paragraph” and inserting
11 “Subject to clause (ii), in this paragraph”;

12 (B) in subclause (I), by striking “clause
13 (iii)” and inserting “clause (iv)”; and

14 (C) in subclause (II), by striking “clause
15 (ii)” and inserting “clause (iii)”;

16 (2) in clause (ii), in the matter preceding sub-
17 clause (I), by striking “clause (iv)” and inserting
18 “clause (v)”;

19 (3) in clause (iii)(I), by striking “clause (ii)”
20 and inserting “clause (iii)”;

21 (4) in clause (iv), by striking “clause (ii)(I)”
22 and inserting “clause (iii)(I)”;

23 (5) by redesignating clauses (ii) through (iv) as
24 clauses (iii) through (v), respectively; and

1 (6) by inserting after clause (i) the following
2 new clause:

3 “(ii) EXCEPTION.—Notwithstanding
4 clause (i), the term ‘applicable site neutral
5 payment rate’ means—

6 “(I) for discharges that have a
7 primary or secondary diagnosis of
8 COVID–19 and that occur during any
9 portion of the emergency period de-
10 scribed in section 1135(g)(1)(B) oc-
11 curring during a cost reporting period
12 described in clause (i)(I), the greater
13 of the blended payment rate specified
14 in clause (iv) or the percent described
15 in clause (iii)(II); and

16 “(II) for discharges that have a
17 primary or secondary diagnosis of
18 COVID–19 and that occur during any
19 portion of the emergency period de-
20 scribed in section 1135(g)(1)(B) oc-
21 curring during a cost reporting period
22 described in clause (i)(II), the percent
23 described in clause (iii)(II).”.

24 (d) IMPLEMENTATION.—Notwithstanding any other
25 provision of law, the Secretary of Health and Human

1 Services may implement the amendments made by this
2 section by program instruction or otherwise.

3 COVERAGE OF TREATMENTS FOR COVID–19 AT NO COST
4 SHARING UNDER THE MEDICARE ADVANTAGE PROGRAM
5 SEC. 30204.

6 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
7 cial Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is
8 amended by adding at the end the following new clause:

9 “(vii) SPECIAL COVERAGE RULES FOR
10 SPECIFIED COVID–19 TREATMENT SERV-
11 ICES.—Notwithstanding clause (i), in the
12 case of a specified COVID–19 treatment
13 service (as defined in section 30201(b) of
14 the HEROES Act) that is furnished dur-
15 ing a plan year occurring during any por-
16 tion of the emergency period defined in
17 section 1135(g)(1)(B) beginning on or
18 after the date of the enactment of this
19 clause, a Medicare Advantage plan may
20 not, with respect to such service, impose—

21 “(I) any cost-sharing require-
22 ment (including a deductible, copay-
23 ment, or coinsurance requirement);
24 and

25 “(II) in the case such service is a
26 critical specified COVID–19 treat-

1 ment service (including ventilator
2 services and intensive care unit serv-
3 ices), any prior authorization or other
4 utilization management requirement.

5 A Medicare Advantage plan may not take
6 the application of this clause into account
7 for purposes of a bid amount submitted by
8 such plan under section 1854(a)(6).”.

9 (b) IMPLEMENTATION.—Notwithstanding any other
10 provision of law, the Secretary of Health and Human
11 Services may implement the amendments made by this
12 section by program instruction or otherwise.

13 REQUIRING COVERAGE UNDER MEDICARE PDPS AND MA-
14 PD PLANS, WITHOUT THE IMPOSITION OF COST
15 SHARING OR UTILIZATION MANAGEMENT REQUIRE-
16 MENTS, OF DRUGS INTENDED TO TREAT COVID-19
17 DURING CERTAIN EMERGENCIES
18 SEC. 30205.

19 (a) COVERAGE REQUIREMENT.—

20 (1) IN GENERAL.—Section 1860D-4(b)(3) of
21 the Social Security Act (42 U.S.C. 1395w-
22 104(b)(3)) is amended by adding at the end the fol-
23 lowing new subparagraph:

24 “(I) REQUIRED INCLUSION OF DRUGS IN-
25 TENDED TO TREAT COVID-19.—

1 “(i) IN GENERAL.—Notwithstanding
2 any other provision of law, a PDP sponsor
3 offering a prescription drug plan shall,
4 with respect to a plan year, any portion of
5 which occurs during the period described
6 in clause (ii), be required to—

7 “(I) include in any formulary—
8 “(aa) all covered part D
9 drugs with a medically accepted
10 indication (as defined in section
11 1860D–2(e)(4)) to treat COVID–
12 19 that are marketed in the
13 United States; and

14 “(bb) all drugs authorized
15 under section 564 or 564A of the
16 Federal Food, Drug, and Cos-
17 metic Act to treat COVID–19;
18 and

19 “(II) not impose any prior au-
20 thorization or other utilization man-
21 agement requirement with respect to
22 such drugs described in item (aa) or
23 (bb) of subclause (I) (other than such
24 a requirement that limits the quantity
25 of drugs due to safety).

1 “(ii) PERIOD DESCRIBED.—For pur-
2 poses of clause (i), the period described in
3 this clause is the period during which there
4 exists the public health emergency declared
5 by the Secretary pursuant to section 319
6 of the Public Health Service Act on Janu-
7 ary 31, 2020, entitled ‘Determination that
8 a Public Health Emergency Exists Nation-
9 wide as the Result of the 2019 Novel
10 Coronavirus’ (including any renewal of
11 such declaration pursuant to such sec-
12 tion).”.

13 (b) ELIMINATION OF COST SHARING.—

14 (1) ELIMINATION OF COST-SHARING FOR
15 DRUGS INTENDED TO TREAT COVID-19 UNDER
16 STANDARD AND ALTERNATIVE PRESCRIPTION DRUG
17 COVERAGE.—Section 1860D-2 of the Social Security
18 Act (42 U.S.C. 1395w-102) is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (1)(A), by striking
21 “The coverage” and inserting “Subject to
22 paragraph (8), the coverage”;

23 (ii) in paragraph (2)—

24 (I) in subparagraph (A), by in-
25 serting after “Subject to subpara-

1 graphs (C) and (D)” the following:
2 “and paragraph (8)”;

3 (II) in subparagraph (C)(i), by
4 striking “paragraph (4)” and insert-
5 ing “paragraphs (4) and (8)”;

6 (III) in subparagraph (D)(i), by
7 striking “paragraph (4)” and insert-
8 ing “paragraphs (4) and (8)”;

9 (iii) in paragraph (4)(A)(i), by strik-
10 ing “The coverage” and inserting “Subject
11 to paragraph (8), the coverage”;

12 (iv) by adding at the end the following
13 new paragraph:

14 “(8) ELIMINATION OF COST-SHARING FOR
15 DRUGS INTENDED TO TREAT COVID-19.—The cov-
16 erage does not impose any deductible, copayment,
17 coinsurance, or other cost-sharing requirement for
18 drugs described in section 1860D-4(b)(3)(I)(i)(I)
19 with respect to a plan year, any portion of which oc-
20 curs during the period during which there exists the
21 public health emergency declared by the Secretary
22 pursuant to section 319 of the Public Health Service
23 Act on January 31, 2020, entitled ‘Determination
24 that a Public Health Emergency Exists Nationwide
25 as the Result of the 2019 Novel Coronavirus’ (in-

1 including any renewal of such declaration pursuant to
2 such section.”; and

3 (B) in subsection (c), by adding at the end
4 the following new paragraph:

5 “(4) SAME ELIMINATION OF COST-SHARING FOR
6 DRUGS INTENDED TO TREAT COVID–19.—The cov-
7 erage is in accordance with subsection (b)(8).”.

8 (2) ELIMINATION OF COST-SHARING FOR
9 DRUGS INTENDED TO TREAT COVID–19 DISPENSED
10 TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDI-
11 VIDUALS.—Section 1860D–14(a) of the Social Secu-
12 rity Act (42 U.S.C. 1395w–114(a)) is amended—

13 (A) in paragraph (1)—

14 (i) in subparagraph (D)—

15 (I) in clause (ii), by striking “In
16 the case of” and inserting “Subject to
17 subparagraph (F), in the case of”;
18 and

19 (II) in clause (iii), by striking
20 “In the case of” and inserting “Sub-
21 ject to subparagraph (F), in the case
22 of”; and

23 (ii) by adding at the end the following
24 new subparagraph:

1 “(F) ELIMINATION OF COST-SHARING FOR
2 DRUGS INTENDED TO TREAT COVID-19.—Cov-
3 erage that is in accordance with section
4 1860D-2(b)(8).”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (B), by striking
7 “A reduction” and inserting “Subject to
8 subparagraph (F), a reduction”;

9 (ii) in subparagraph (D), by striking
10 “The substitution” and inserting “Subject
11 to subparagraph (F), the substitution”;

12 (iii) in subparagraph (E), by inserting
13 after “Subject to” the following: “subpara-
14 graph (F) and”; and

15 (iv) by adding at the end the following
16 new subparagraph:

17 “(F) ELIMINATION OF COST-SHARING FOR
18 DRUGS INTENDED TO TREAT COVID-19.—Cov-
19 erage that is in accordance with section
20 1860D-2(b)(8).”.

21 (c) IMPLEMENTATION.—Notwithstanding any other
22 provision of law, the Secretary of Health and Human
23 Services may implement the amendments made by this
24 section by program instruction or otherwise.

1 MODIFYING THE ACCELERATED AND ADVANCE PAYMENT
2 PROGRAMS UNDER PARTS A AND B OF THE MEDI-
3 CARE PROGRAM DURING THE COVID-19 EMERGENCY
4 SEC. 30206.

5 (a) SPECIAL REPAYMENT RULES.—

6 (1) PART A.—Section 1815(f)(2)(C) of the So-
7 cial Security Act (42 U.S.C. 1395g(f)(2)(C)) is
8 amended to read as follows:

9 “(C) In the case of an accelerated payment
10 made under the program under subsection (e)(3) on
11 or after the date of the enactment of the CARES
12 Act and so made during the emergency period de-
13 scribed in section 1135(g)(1)(B)—

14 “(i) such payment shall be treated as if
15 such payment were made from the General
16 Fund of the Treasury; and

17 “(ii) upon request of the hospital, the Sec-
18 retary shall—

19 “(I) provide up to 1 year before
20 claims are offset to recoup such payment;

21 “(II) provide that any such offset of a
22 claim to recoup such payment shall not ex-
23 ceed 25 percent of the amount of such
24 claim; and

1 “(III) allow not less than 2 years
2 from the date of the first accelerated pay-
3 ment before requiring that the outstanding
4 balance be paid in full.”.

5 (2) PART B.—In carrying out the program de-
6 scribed in section 421.214 of title 42, Code of Fed-
7 eral Regulations (or any successor regulation), in the
8 case of a payment made under such program on or
9 after the date of the enactment of the CARES Act
10 (Public Law 116–136) and so made during the
11 emergency period described in section 1135(g)(1)(B)
12 of the Social Security Act (42 U.S.C. 1320b–
13 5(g)(1)(B)), the Secretary of Health and Human
14 Services shall—

15 (A) treat such payment as if such payment
16 were made from the General Fund of the
17 Treasury; and

18 (B) upon request of the entity receiving
19 such payment—

20 (i) provide up to 1 year before claims
21 are offset to recoup such payment;

22 (ii) provide that any such offset of a
23 claim to recoup such payment shall not ex-
24 ceed 25 percent of the amount of such
25 claim; and

1 (iii) allow not less than 2 years from
2 the date of the first advance payment be-
3 fore requiring that the outstanding balance
4 be paid in full.

5 (b) INTEREST RATES.—

6 (1) PART A.—Section 1815(d) of the Social Se-
7 curity Act (42 U.S.C. 1395g(d)) is amended by in-
8 serting before the period at the end the following:
9 “(or, in the case of such a determination made with
10 respect to a payment made on or after the date of
11 the enactment of the CARES Act and during the
12 emergency period described in section 1135(g)(1)(B)
13 under the program under subsection (e)(3), at a rate
14 of 1 percent)”.

15 (2) PART B.—Section 1833(j) of the Social Se-
16 curity Act (42 U.S.C. 1395l(j)) is amended by in-
17 serting before the period at the end the following:
18 “(or, in the case of such a determination made with
19 respect to a payment made on or after the date of
20 the enactment of the CARES Act and during the
21 emergency period described in section 1135(g)(1)(B)
22 under the program described in section 421.214 of
23 title 42, Code of Federal Regulations (or any suc-
24 cessor regulation), at a rate of 1 percent)”.

25 (c) REPORT.—

1 (1) REPORTS DURING COVID–19 EMERGENCY.—

2 Not later than 2 weeks after the date of the enact-
3 ment of this section, and every 2 weeks thereafter
4 during the emergency period described in section
5 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
6 1320b–5(g)(1)(B)), the Secretary of Health and
7 Human Services shall submit to the Committee on
8 Ways and Means and the Committee on Energy and
9 Commerce of the House of Representatives, and the
10 Committee on Finance of the Senate, a report that
11 includes the following:

12 (A) The total amount of payments made
13 under section 1815(e)(3) of the Social Security
14 Act (42 U.S.C. 1395g(e)(3)) and under the pro-
15 gram described in section 421.214 of title 42,
16 Code of Federal Regulations (or any successor
17 regulation) during the most recent 2-week pe-
18 riod for which data is available that precedes
19 the date of the submission of such report.

20 (B) The number of entities receiving such
21 payments during such period.

22 (C) A specification of each such entity.

23 (2) REPORTS AFTER COVID–19 EMERGENCY.—

24 (A) IN GENERAL.—Not later than 6
25 months after the termination of the emergency

1 period described in paragraph (1), and every 6
2 months thereafter until all specified payments
3 (as defined in subparagraph (B)) have been re-
4 couped or repaid, the Secretary of Health and
5 Human Services shall submit to the Committee
6 on Ways and Means and the Committee on En-
7 ergy and Commerce of the House of Represent-
8 atives, and the Committee on Finance of the
9 Senate, a report that includes the following:

10 (i) The total amount of all specified
11 payments for which claims have been offset
12 to recoup such payment or the balance has
13 been repaid.

14 (ii) The amount of interest that has
15 accrued with respect to all specified pay-
16 ments.

17 (B) SPECIFIED PAYMENTS.—For purposes
18 of subparagraph (A), the term “specified pay-
19 ments” means all payments made under section
20 1815(e)(3) of the Social Security Act (42
21 U.S.C. 1395g(e)(3)) or under the program de-
22 scribed in section 421.214 of title 42, Code of
23 Federal Regulations (or any successor regula-
24 tion) made on or after the date of the enact-
25 ment of the CARES Act (Public Law 116–136)

1 during the emergency period described in such
2 subparagraph.

3 MEDICARE SPECIAL ENROLLMENT PERIOD FOR
4 INDIVIDUALS RESIDING IN COVID–19 EMERGENCY AREAS
5 SEC. 30207.

6 (a) IN GENERAL.—Section 1837(i) of the Social Se-
7 curity Act (42 U.S.C. 1395p(i)) is amended by adding at
8 the end the following new paragraph:

9 “(5)(A) In the case of an individual who—

10 “(i) is eligible under section 1836 to enroll
11 in the medical insurance program established by
12 this part,

13 “(ii) did not enroll (or elected not to be
14 deemed enrolled) under this section during an
15 enrollment period, and

16 “(iii) during the emergency period (as de-
17 scribed in section 1135(g)(1)(B)), resided in an
18 emergency area (as described in such section),
19 there shall be a special enrollment period de-
20 scribed in subparagraph (B).

21 “(B) The special enrollment period re-
22 ferred to in subparagraph (A) is the period that
23 begins not later than July 1, 2020, and ends on
24 the last day of the month in which the emer-
25 gency period (as described in section
26 1135(g)(1)(B)) ends.”.

1 (b) COVERAGE PERIOD FOR INDIVIDUALS
2 TRANSITIONING FROM OTHER COVERAGE.—Section
3 1838(e) of the Social Security Act (42 U.S.C. 1395q(e))
4 is amended—

5 (1) by striking “pursuant to section 1837(i)(3)
6 or 1837(i)(4)(B)—” and inserting the following:

7 “pursuant to—

8 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and mov-
11 ing the indentation of each such subparagraph 2
12 ems to the right;

13 (3) by striking the period at the end of the sub-
14 paragraph (B), as so redesignated, and inserting “;
15 or”; and

16 (4) by adding at the end the following new
17 paragraph:

18 “(2) section 1837(i)(5), the coverage period
19 shall begin on the first day of the month following
20 the month in which the individual so enrolls.”.

21 (c) FUNDING.—The Secretary of Health and Human
22 Services shall provide for the transfer from the Federal
23 Hospital Insurance Trust Fund (as described in section
24 1817 of the Social Security Act (42 U.S.C. 1395i)) and
25 the Federal Supplementary Medical Insurance Trust

1 Fund (as described in section 1841 of such Act (42 U.S.C.
2 1395t)), in such proportions as determined appropriate by
3 the Secretary, to the Social Security Administration, of
4 \$30,000,000, to remain available until expended, for pur-
5 poses of carrying out the amendments made by this sec-
6 tion.

7 (d) IMPLEMENTATION.—Notwithstanding any other
8 provision of law, the Secretary of Health and Human
9 Services may implement the amendments made by this
10 section by program instruction or otherwise.

11 COVID–19 SKILLED NURSING FACILITY PAYMENT

12 INCENTIVE PROGRAM

13 SEC. 30208.

14 (a) IN GENERAL.—Section 1819 of the Social Secu-
15 rity Act (42 U.S.C. 1395i–3) is amended by adding at the
16 end the following new subsection:

17 “(k) COVID–19 DESIGNATION PROGRAM.—

18 “(1) IN GENERAL.—Not later than 2 weeks
19 after the date of the enactment of this subsection,
20 the Secretary shall establish a program under which
21 a skilled nursing facility that makes an election de-
22 scribed in paragraph (2)(A) and meets the require-
23 ments described in paragraph (2)(B) is designated
24 (or a portion of such facility is so designated) as a
25 COVID–19 treatment center and receives incentive
26 payments under section 1888(e)(13).

1 “(2) DESIGNATION.—

2 “(A) IN GENERAL.—A skilled nursing fa-
3 cility may elect to be designated (or to have a
4 portion of such facility designated) as a
5 COVID–19 treatment center under the program
6 established under paragraph (1) if the facility
7 submits to the Secretary, at a time and in a
8 manner specified by the Secretary, an applica-
9 tion for such designation that contains such in-
10 formation as required by the Secretary and
11 demonstrates that such facility meets the re-
12 quirements described in subparagraph (B).

13 “(B) REQUIREMENTS.—The requirements
14 described in this subparagraph with respect to
15 a skilled nursing facility are the following:

16 “(i) The facility has a star rating with
17 respect to staffing of 4 or 5 on the Nurs-
18 ing Home Compare website (as described
19 in subsection (i)) and has maintained such
20 a rating on such website during the 2-year
21 period ending on the date of the submis-
22 sion of the application described in sub-
23 paragraph (A).

24 “(ii) The facility has a star rating of
25 4 or 5 with respect to health inspections on

1 such website and has maintained such a
2 rating on such website during such period.

3 “(iii) During such period, the Sec-
4 retary or a State has not found a defi-
5 ciency with such facility relating to infec-
6 tion control that the Secretary or State de-
7 termined immediately jeopardized the
8 health or safety of the residents of such fa-
9 cility (as described in paragraph (1) or
10 (2)(A) of subsection (h), as applicable).

11 “(iv) The facility provides care at
12 such facility (or, in the case of an election
13 made with respect to a portion of such fa-
14 cility, to provide care in such portion of
15 such facility) only to eligible individuals.

16 “(v) The facility arranges for and
17 transfers all residents of such facility (or
18 such portion of such facility, as applicable)
19 who are not eligible individuals to other
20 skilled nursing facilities (or other portions
21 of such facility, as applicable).

22 “(vi) The facility complies with the
23 notice requirement described in paragraph
24 (4).

1 “(vii) The facility meets the reporting
2 requirement described in paragraph (5).

3 “(viii) Any other requirement deter-
4 mined appropriate by the Secretary.

5 “(3) DURATION OF DESIGNATION.—

6 “(A) IN GENERAL.—A designation of a
7 skilled nursing facility (or portion of such facil-
8 ity) as a COVID–19 treatment center shall
9 begin on a date specified by the Secretary and
10 end upon the earliest of the following:

11 “(i) The revocation of such designa-
12 tion under subparagraph (B).

13 “(ii) The submission of a notification
14 by such facility to the Secretary that such
15 facility elects to terminate such designa-
16 tion.

17 “(iii) The termination of the program
18 (as specified in paragraph (6)).

19 “(B) REVOCATION.—The Secretary may
20 revoke the designation of a skilled nursing facil-
21 ity (or portion of such facility) as a COVID–19
22 treatment center if the Secretary determines
23 that the facility is no longer in compliance with
24 a requirement described in paragraph (2)(B).

1 “(4) RESIDENT NOTICE REQUIREMENT.—For
2 purposes of paragraph (2)(B)(vi), the notice require-
3 ment described in this paragraph is that, not later
4 than 72 hours before the date specified by the Sec-
5 retary under paragraph (3)(A) with respect to the
6 designation of a skilled nursing facility (or portion
7 of such facility) as a COVID–19 treatment center,
8 the facility provides a notification to each resident of
9 such facility (and to appropriate representatives or
10 family members of each such resident, as specified
11 by the Secretary) that contains the following:

12 “(A) Notice of such designation.

13 “(B) In the case such resident is not an el-
14 igible individual (and, in the case such designa-
15 tion is made only with respect to a portion of
16 such facility, resides in such portion of such fa-
17 cility)—

18 “(i) a specification of when and where
19 such resident will be transferred (or moved
20 within such facility);

21 “(ii) an explanation that, in lieu of
22 such transfer or move, such resident may
23 arrange for transfer to such other setting
24 (including a home) selected by the resi-
25 dent; and

1 “(iii) if such resident so arranges to
2 be transferred to a home, information on
3 Internet resources for caregivers who elect
4 to care for such resident at home.

5 “(C) Contact information for the State
6 long-term care ombudsman (established under
7 section 307(a)(12) of the Older Americans Act
8 of 1965) for the applicable State.

9 “(5) REPORTING REQUIREMENT.—

10 “(A) IN GENERAL.—For purposes of para-
11 graph (2)(B)(vii), the reporting requirement de-
12 scribed in this paragraph is, with respect to a
13 skilled nursing facility, that the facility reports
14 to the Secretary, weekly and in such manner
15 specified by the Secretary, the following (but
16 only to the extent the information described in
17 clauses (i) through (vii) is not otherwise re-
18 ported to the Secretary weekly):

19 “(i) The number of COVID–19 re-
20 lated deaths at such facility.

21 “(ii) The number of discharges from
22 such facility.

23 “(iii) The number of admissions to
24 such facility.

1 “(iv) The number of beds occupied
2 and the number of beds available at such
3 facility.

4 “(v) The number of residents on a
5 ventilator at such facility.

6 “(vi) The number of clinical and non-
7 clinical staff providing direct patient care
8 at such facility.

9 “(vii) Such other information deter-
10 mined appropriate by the Secretary.

11 “(B) NONAPPLICATION OF PAPERWORK
12 REDUCTION ACT.—Chapter 35 of title 44,
13 United States Code (commonly known as the
14 ‘Paperwork Reduction Act’), shall not apply to
15 the collection of information under this para-
16 graph.

17 “(6) DEFINITION.—For purposes of this sub-
18 section, the term ‘eligible individual’ means an indi-
19 vidual who, during the 30-day period ending on the
20 first day on which such individual is a resident of a
21 COVID–19 treatment center (on or after the date
22 such center is so designated), was furnished a test
23 for COVID–19 that came back positive.

24 “(7) TERMINATION.—The program established
25 under paragraph (1) shall terminate upon the termi-

1 nation of the emergency period described in section
2 1135(g)(1)(B).

3 “(8) PROHIBITION ON ADMINISTRATIVE AND
4 JUDICIAL REVIEW.—There shall be no administrative
5 or judicial review under section 1869, 1878, or oth-
6 erwise of a designation of a skilled nursing facility
7 (or portion of such facility) as a COVID–19 treat-
8 ment center, or revocation of such a designation,
9 under this subsection.”.

10 (b) PAYMENT INCENTIVE.—Section 1888(e) of the
11 Social Security Act (42 U.S.C. 1395yy(e)) is amended—

12 (1) in paragraph (1), in the matter preceding
13 subparagraph (A), by striking “and (12)” and in-
14 serting “(12), and (13)”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(13) ADJUSTMENT FOR COVID–19 TREATMENT
18 CENTERS.—In the case of a resident of a skilled
19 nursing facility that has been designated as a
20 COVID–19 treatment center under section 1819(k)
21 (or in the case of a resident who resides in a portion
22 of such facility that has been so designated), if such
23 resident is an eligible individual (as defined in para-
24 graph (5) of such section), the per diem amount of
25 payment for such resident otherwise applicable shall

1 be increased by 20 percent to reflect increased costs
2 associated with such residents.”.

3 FUNDING FOR STATE STRIKE TEAMS FOR RESIDENT AND
4 EMPLOYEE SAFETY IN SKILLED NURSING FACILITIES
5 AND NURSING FACILITIES
6 SEC. 30209.

7 (a) IN GENERAL.—Of the amounts made available
8 under subsection (c), the Secretary of Health and Human
9 Services (referred to in this section as the “Secretary”)
10 shall allocate such amounts among the States, in a man-
11 ner that takes into account the percentage of skilled nurs-
12 ing facilities and nursing facilities in each State that have
13 residents or employees who have been diagnosed with
14 COVID–19, for purposes of establishing and implementing
15 strike teams in accordance with subsection (b).

16 (b) USE OF FUNDS.—A State that receives funds
17 under this section shall use such funds to establish and
18 implement a strike team that will be deployed to a skilled
19 nursing facility or nursing facility in the State with diag-
20 nosed or suspected cases of COVID–19 among residents
21 or staff for the purposes of assisting with clinical care,
22 infection control, or staffing.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—For pur-
24 poses of carrying out this section, there is authorized to
25 be appropriated \$500,000,000.

26 (d) DEFINITIONS.—In this section:

1 (1) NURSING FACILITY.—The term “nursing
2 facility” has the meaning given such term in section
3 1919(a) of the Social Security Act (42 U.S.C.
4 1396r(a)).

5 (2) SKILLED NURSING FACILITY.—The term
6 “skilled nursing facility” has the meaning given such
7 term in section 1819(a) of the Social Security Act
8 (42 U.S.C. 1395i–3(a)).

9 PROVIDING FOR INFECTION CONTROL SUPPORT TO
10 SKILLED NURSING FACILITIES THROUGH CONTRACTS
11 WITH QUALITY IMPROVEMENT ORGANIZATIONS
12 SEC. 30210.

13 (a) IN GENERAL.—Section 1862(g) of the Social Se-
14 curity Act (42 U.S.C. 1395y(g)) is amended—

15 (1) by striking “The Secretary” and inserting
16 “(1) The Secretary”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(2)(A) The Secretary shall ensure that at least 1
20 contract with a quality improvement organization de-
21 scribed in paragraph (1) entered into on or after the date
22 of the enactment of this paragraph and before the end
23 of the emergency period described in section
24 1135(g)(1)(B) (or in effect as of such date) includes the
25 requirement that such organization provide to skilled
26 nursing facilities with cases of COVID–19 (or facilities at-

1 tempting to prevent outbreaks of COVID–19) infection
2 control support described in subparagraph (B) during
3 such period.

4 “(B) For purposes of subparagraph (A), the infection
5 control support described in this subparagraph is, with re-
6 spect to skilled nursing facilities described in such sub-
7 paragraph, the development and dissemination to such fa-
8 cilities of protocols relating to the prevention or mitigation
9 of COVID–19 at such facilities and the provision of train-
10 ing materials to such facilities relating to such prevention
11 or mitigation.”.

12 (b) FUNDING.—The Secretary of Health and Human
13 Services shall provide for the transfer from the Federal
14 Supplementary Medical Insurance Trust Fund (as de-
15 scribed in section 1841 of the Social Security Act (42
16 U.S.C. 1395t)) and the Federal Hospital Insurance Trust
17 Fund (as described in section 1817 of such Act (42 U.S.C.
18 1395i)), in such proportions as determined appropriate by
19 the Secretary, to the Centers for Medicare & Medicaid
20 Services Program Management Account, of \$210,000,000,
21 to remain available until expended, for purposes of enter-
22 ing into contracts with quality improvement organizations
23 under part B of title XI of such Act (42 U.S.C. 1320c
24 et seq.). Of the amount transferred pursuant to the pre-
25 vious sentence, not less than \$110,000,000 shall be used

1 for purposes of entering into such a contract that includes
2 the requirement described in section 1862(g)(2)(A) of
3 such Act (as added by subsection (a)).

4 REQUIRING LONG TERM CARE FACILITIES TO REPORT
5 CERTAIN INFORMATION RELATING TO COVID-19
6 CASES AND DEATHS
7 SEC. 30211.

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services (in this section referred to as the “Sec-
10 retary”) shall, as soon as practicable, require that the in-
11 formation described in paragraph (1) of section 483.80(g)
12 of title 42, Code of Federal Regulations, or a successor
13 regulation, be reported by a facility (as defined for pur-
14 poses of such section).

15 (b) DEMOGRAPHIC INFORMATION.—The Secretary
16 shall post the following information with respect to skilled
17 nursing facilities (as defined in section 1819(a) of the So-
18 cial Security Act (42 U.S.C. 1395i-3(a))) and nursing fa-
19 cilities (as defined in section 1919(a) of such Act (42
20 U.S.C. 1396r(a))) on the Nursing Home Compare website
21 (as described in section 1819(i) of the Social Security Act
22 (42 U.S.C. 1395i-3(i))), or a successor website, aggre-
23 gated by State:

24 (1) The age, race/ethnicity, and preferred lan-
25 guage of the residents of such skilled nursing facili-
26 ties and nursing facilities with suspected or con-

1 firmed COVID–19 infections, including residents
2 previously treated for COVID–19.

3 (2) The age, race/ethnicity, and preferred lan-
4 guage relating to total deaths and COVID–19
5 deaths among residents of such skilled nursing facili-
6 ties and nursing facilities.

7 (c) CONFIDENTIALITY.—Any information reported
8 under this section that is made available to the public shall
9 be made so available in a manner that protects the identity
10 of residents of skilled nursing facilities and nursing facili-
11 ties.

12 (d) IMPLEMENTATION.—The Secretary may imple-
13 ment the provisions of this section be program instruction
14 or otherwise.

15 FLOOR ON THE MEDICARE AREA WAGE INDEX FOR
16 HOSPITALS IN ALL-URBAN STATES
17 SEC. 30212.

18 (a) IN GENERAL.—Section 1886(d)(3)(E) of the So-
19 cial Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amend-
20 ed—

21 (1) in clause (i), in the first sentence, by strik-
22 ing “or (iii)” and inserting “, (iii), or (iv)”; and

23 (2) by adding at the end the following new
24 clause:

25 “(iv) FLOOR ON AREA WAGE INDEX
26 FOR HOSPITALS IN ALL-URBAN STATES.—

1 “(I) IN GENERAL.—For dis-
2 charges occurring on or after October
3 1, 2021, the area wage index applica-
4 ble under this subparagraph to any
5 hospital in an all-urban State (as de-
6 fined in subclause (IV)) may not be
7 less than the minimum area wage
8 index for the fiscal year for hospitals
9 in that State, as established under
10 subclause (II).

11 “(II) MINIMUM AREA WAGE
12 INDEX.—For purposes of subclause
13 (I), the Secretary shall establish a
14 minimum area wage index for a fiscal
15 year for hospitals in each all-urban
16 State using the methodology described
17 in section 412.64(h)(4) of title 42,
18 Code of Federal Regulations, as in ef-
19 fect for fiscal year 2018.

20 “(III) WAIVING BUDGET NEU-
21 TRALITY.—Pursuant to the fifth sen-
22 tence of clause (i), this subsection
23 shall not be applied in a budget neu-
24 tral manner.

1 “(IV) ALL-URBAN STATE DE-
2 FINED.—In this clause, the term ‘all-
3 urban State’ means a State in which
4 there are no rural areas (as defined in
5 paragraph (2)(D)) or a State in which
6 there are no hospitals classified as
7 rural under this section.”.

8 (b) WAIVING BUDGET NEUTRALITY.—

9 (1) TECHNICAL AMENDATORY CORRECTION.—
10 Section 10324(a)(2) of Public Law 111–148 is
11 amended by striking “third sentence” and inserting
12 “fifth sentence”.

13 (2) WAIVER.—Section 1886(d)(3)(E)(i) of the
14 Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i))
15 is amended, in the fifth sentence—

16 (A) by striking “and the amendments” and
17 inserting “, the amendments”; and

18 (B) by inserting “, and the amendments
19 made by section 30212 of the HEROES Act”
20 after “Care Act”.

1 TITLE III—PRIVATE INSURANCE PROVISIONS

2 Subtitle A—Health Plans

3 SPECIAL ENROLLMENT PERIOD THROUGH EXCHANGES;

4 FEDERAL EXCHANGE OUTREACH AND EDUCATIONAL

5 ACTIVITIES

6 SEC. 30301.

7 (a) SPECIAL ENROLLMENT PERIOD THROUGH EX-

8 CHANGES.—Section 1311(c) of the Patient Protection and

9 Affordable Care Act (42 U.S.C. 18031(c)) is amended—

10 (1) in paragraph (6)—

11 (A) in subparagraph (C), by striking at the
12 end “and”;13 (B) in subparagraph (D), by striking at
14 the end the period and inserting “; and”; and15 (C) by adding at the end the following new
16 subparagraph:17 “(E) subject to subparagraph (B) of para-
18 graph (8), the special enrollment period de-
19 scribed in subparagraph (A) of such para-
20 graph.”; and21 (2) by adding at the end the following new
22 paragraph:23 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-
24 TAIN PUBLIC HEALTH EMERGENCY.—

1 “(A) IN GENERAL.—The Secretary shall,
2 subject to subparagraph (B), require an Ex-
3 change to provide—

4 “(i) for a special enrollment period
5 during the emergency period described in
6 section 1135(g)(1)(B) of the Social Secu-
7 rity Act—

8 “(I) which shall begin on the
9 date that is one week after the date of
10 the enactment of this paragraph and
11 which, in the case of an Exchange es-
12 tablished or operated by the Secretary
13 within a State pursuant to section
14 1321(e), shall be an 8-week period;
15 and

16 “(II) during which any individual
17 who is otherwise eligible to enroll in a
18 qualified health plan through the Ex-
19 change may enroll in such a qualified
20 health plan; and

21 “(ii) that, in the case of an individual
22 who enrolls in a qualified health plan
23 through the Exchange during such enroll-
24 ment period, the coverage period under
25 such plan shall begin, at the option of the

1 individual, on April 1, 2020, or on the first
2 day of the month following the day the in-
3 dividual selects a plan through such special
4 enrollment period.

5 “(B) EXCEPTION.—The requirement of
6 subparagraph (A) shall not apply to a State-op-
7 erated or State-established Exchange if such
8 Exchange, prior to the date of the enactment of
9 this paragraph, established or otherwise pro-
10 vided for a special enrollment period to address
11 access to coverage under qualified health plans
12 offered through such Exchange during the
13 emergency period described in section
14 1135(g)(1)(B) of the Social Security Act.”.

15 (b) FEDERAL EXCHANGE OUTREACH AND EDU-
16 CATIONAL ACTIVITIES.—Section 1321(c) of the Patient
17 Protection and Affordable Care Act (42 U.S.C. 18041(c))
18 is amended by adding at the end the following new para-
19 graph:

20 “(3) OUTREACH AND EDUCATIONAL ACTIVI-
21 TIES.—

22 “(A) IN GENERAL.—In the case of an Ex-
23 change established or operated by the Secretary
24 within a State pursuant to this subsection, the
25 Secretary shall carry out outreach and edu-

1 cational activities for purposes of informing po-
2 tential enrollees in qualified health plans offered
3 through the Exchange of the availability of cov-
4 erage under such plans and financial assistance
5 for coverage under such plans. Such outreach
6 and educational activities shall be provided in a
7 manner that is culturally and linguistically ap-
8 propriate to the needs of the populations being
9 served by the Exchange (including hard-to-
10 reach populations, such as racial and sexual mi-
11 norities, limited English proficient populations,
12 and young adults).

13 “(B) LIMITATION ON USE OF FUNDS.—No
14 funds appropriated under this paragraph shall
15 be used for expenditures for promoting non-
16 ACA compliant health insurance coverage.

17 “(C) NON-ACA COMPLIANT HEALTH IN-
18 SURANCE COVERAGE.—For purposes of sub-
19 paragraph (B):

20 “(i) The term ‘non-ACA compliant
21 health insurance coverage’ means health
22 insurance coverage, or a group health plan,
23 that is not a qualified health plan.

24 “(ii) Such term includes the following:

25 “(I) An association health plan.

1 “(II) Short-term limited duration
2 insurance.

3 “(D) FUNDING.—There are appropriated,
4 out of any funds in the Treasury not otherwise
5 appropriated, \$25,000,000, to remain available
6 until expended—

7 “(i) to carry out this paragraph;
8 and—

9 “(ii) at the discretion of the Sec-
10 retary, to carry out section 1311(i), with
11 respect to an Exchange established or op-
12 erated by the Secretary within a State pur-
13 suant to this subsection.”.

14 (c) IMPLEMENTATION.—The Secretary of Health and
15 Human Services may implement the provisions of (includ-
16 ing amendments made by) this section through subregu-
17 latory guidance, program instruction, or otherwise.

18 EXPEDITED MEETING OF ACIP FOR COVID–19 VACCINES
19 SEC. 30302.

20 (a) IN GENERAL.—Notwithstanding section 3091 of
21 the 21st Century Cures Act (21 U.S.C. 360bbb–4 note),
22 the Advisory Committee on Immunization Practices shall
23 meet and issue a recommendation with respect to a vac-
24 cine that is intended to prevent or treat COVID–19 not
25 later than 15 business days after the date on which such

1 vaccine is licensed under section 351 of the Public Health
2 Service Act (42 U.S.C. 262).

3 (b) DEFINITION.—In this section, the term “Advisory
4 Committee on Immunization Practices” means the Advi-
5 sory Committee on Immunization Practices established by
6 the Secretary of Health and Human Services pursuant to
7 section 222 of the Public Health Service Act (42 U.S.C.
8 217a), acting through the Director of the Centers for Dis-
9 ease Control and Prevention.

10 COVERAGE OF COVID–19 RELATED TREATMENT AT NO
11 COST SHARING

12 SEC. 30303.

13 (a) IN GENERAL.—A group health plan and a health
14 insurance issuer offering group or individual health insur-
15 ance coverage (including a grandfathered health plan (as
16 defined in section 1251(e) of the Patient Protection and
17 Affordable Care Act)) shall provide coverage, and shall not
18 impose any cost sharing (including deductibles, copay-
19 ments, and coinsurance) requirements, for the following
20 items and services furnished during any portion of the
21 emergency period defined in paragraph (1)(B) of section
22 1135(g) of the Social Security Act (42 U.S.C. 1320b–
23 5(g)) beginning on or after the date of the enactment of
24 this Act:

25 (1) Medically necessary items and services (in-
26 cluding in-person or telehealth visits in which such

1 items and services are furnished) that are furnished
2 to an individual who has been diagnosed with (or
3 after provision of the items and services is diagnosed
4 with) COVID-19 to treat or mitigate the effects of
5 COVID-19.

6 (2) Medically necessary items and services (in-
7 cluding in-person or telehealth visits in which such
8 items and services are furnished) that are furnished
9 to an individual who is presumed to have COVID-
10 19 but is never diagnosed as such, if the following
11 conditions are met:

12 (A) Such items and services are furnished
13 to the individual to treat or mitigate the effects
14 of COVID-19 or to mitigate the impact of
15 COVID-19 on society.

16 (B) Health care providers have taken ap-
17 propriate steps under the circumstances to
18 make a diagnosis, or confirm whether a diag-
19 nosis was made, with respect to such individual,
20 for COVID-19, if possible.

21 (b) ITEMS AND SERVICES RELATED TO COVID-
22 19.—For purposes of this section—

23 (1) not later than one week after the date of
24 the enactment of this section, the Secretary of
25 Health and Human Services, Secretary of Labor,

1 and Secretary of the Treasury shall jointly issue
2 guidance specifying applicable diagnoses and medi-
3 cally necessary items and services related to
4 COVID-19; and

5 (2) such items and services shall include all
6 items or services that are relevant to the treatment
7 or mitigation of COVID-19, regardless of whether
8 such items or services are ordinarily covered under
9 the terms of a group health plan or group or indi-
10 vidual health insurance coverage offered by a health
11 insurance issuer.

12 (c) ENFORCEMENT.—

13 (1) APPLICATION WITH RESPECT TO PHSA,
14 ERISA, AND IRC.—The provisions of this section
15 shall be applied by the Secretary of Health and
16 Human Services, Secretary of Labor, and Secretary
17 of the Treasury to group health plans and health in-
18 surance issuers offering group or individual health
19 insurance coverage as if included in the provisions of
20 part A of title XXVII of the Public Health Service
21 Act, part 7 of the Employee Retirement Income Se-
22 curity Act of 1974, and subchapter B of chapter 100
23 of the Internal Revenue Code of 1986, as applicable.

24 (2) PRIVATE RIGHT OF ACTION.—An individual
25 with respect to whom an action is taken by a group

1 health plan or health insurance issuer offering group
2 or individual health insurance coverage in violation
3 of subsection (a) may commence a civil action
4 against the plan or issuer for appropriate relief. The
5 previous sentence shall not be construed as limiting
6 any enforcement mechanism otherwise applicable
7 pursuant to paragraph (1).

8 (d) IMPLEMENTATION.—The Secretary of Health and
9 Human Services, Secretary of Labor, and Secretary of the
10 Treasury may implement the provisions of this section
11 through sub-regulatory guidance, program instruction or
12 otherwise.

13 (e) TERMS.—The terms “group health plan”; “health
14 insurance issuer”; “group health insurance coverage”, and
15 “individual health insurance coverage” have the meanings
16 given such terms in section 2791 of the Public Health
17 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
18 ployee Retirement Income Security Act of 1974 (29
19 U.S.C. 1191b), and section 9832 of the Internal Revenue
20 Code of 1986, as applicable.

21 REQUIRING PRESCRIPTION DRUG REFILL NOTIFICATIONS

22 DURING EMERGENCIES

23 SEC. 30304.

24 (a) ERISA.—

25 (1) IN GENERAL.—Subpart B of part 7 of sub-
26 title B of title I of the Employee Retirement Income

1 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
2 amended by adding at the end the following new sec-
3 tion:

4 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**
5 **TIFICATIONS DURING EMERGENCIES.**

6 “(a) IN GENERAL.—A group health plan, and a
7 health insurance issuer offering health insurance coverage
8 in connection with a group health plan, that provides bene-
9 fits for prescription drugs under such plan or such cov-
10 erage shall provide to each participant or beneficiary
11 under such plan or such coverage who resides in an emer-
12 gency area during an emergency period—

13 “(1) not later than 5 business days after the
14 date of the beginning of such period with respect to
15 such area (or, the case of the emergency period de-
16 scribed in section 30304(d)(2) of the HEROES Act,
17 not later than 5 business days after the date of the
18 enactment of this section), a notification (written in
19 a manner that is clear and understandable to the av-
20 erage participant or beneficiary)—

21 “(A) of whether such plan or coverage will
22 waive, during such period with respect to such
23 a participant or beneficiary, any time restric-
24 tions under such plan or coverage on any au-
25 thorized refills for such drugs to enable such re-

1 fills in advance of when such refills would oth-
2 erwise have been permitted under such plan or
3 coverage; and

4 “(B) in the case that such plan or coverage
5 will waive such restrictions during such period
6 with respect to such a participant or bene-
7 ficiary, that contains information on how such
8 a participant or beneficiary may obtain such a
9 refill; and

10 “(2) in the case such plan or coverage elects to
11 so waive such restrictions during such period with
12 respect to such a participant or beneficiary after the
13 notification described in paragraph (1) has been pro-
14 vided with respect to such period, not later than 5
15 business days after such election, a notification of
16 such election that contains the information described
17 in subparagraph (B) of such paragraph.

18 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
19 purposes of this section, an ‘emergency area’ is a geo-
20 graphical area in which, and an ‘emergency period’ is the
21 period during which, there exists—

22 “(1) an emergency or disaster declared by the
23 President pursuant to the National Emergencies Act
24 or the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act; and

1 “(2) a public health emergency declared by the
2 Secretary pursuant to section 319 of the Public
3 Health Service Act.”.

4 (2) CLERICAL AMENDMENT.—The table of con-
5 tents of the Employee Retirement Income Security
6 Act of 1974 is amended by inserting after the item
7 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emer-
gencies.”.

8 (b) PHSA.—Subpart II of part A of title XXVII of
9 the Public Health Service Act (42 U.S.C. 300gg–11 et
10 seq.) is amended by adding at the end the following new
11 section:

12 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**
13 **NOTIFICATIONS DURING EMERGENCIES.**

14 “(a) IN GENERAL.—A group health plan, and a
15 health insurance issuer offering group or individual health
16 insurance coverage, that provides benefits for prescription
17 drugs under such plan or such coverage shall provide to
18 each participant, beneficiary, or enrollee enrolled under
19 such plan or such coverage who resides in an emergency
20 area during an emergency period—

21 “(1) not later than 5 business days after the
22 date of the beginning of such period with respect to
23 such area (or, the case of the emergency period de-
24 scribed in section 30304(d)(2) of the HEROES Act,

1 not later than 5 business days after the date of the
2 enactment of this section), a notification (written in
3 a manner that is clear and understandable to the av-
4 erage participant, beneficiary, or enrollee)—

5 “(A) of whether such plan or coverage will
6 waive, during such period with respect to such
7 a participant, beneficiary, or enrollee, any time
8 restrictions under such plan or coverage on any
9 authorized refills for such drugs to enable such
10 refills in advance of when such refills would
11 otherwise have been permitted under such plan
12 or coverage; and

13 “(B) in the case that such plan or coverage
14 will waive such restrictions during such period
15 with respect to such a participant, beneficiary,
16 or enrollee, that contains information on how
17 such a participant, beneficiary, or enrollee may
18 obtain such a refill; and

19 “(2) in the case such plan or coverage elects to
20 so waive such restrictions during such period with
21 respect to such a participant, beneficiary, or enrollee
22 after the notification described in paragraph (1) has
23 been provided with respect to such period, not later
24 than 5 business days after such election, a notifica-

1 tion of such election that contains the information
2 described in subparagraph (B) of such paragraph.

3 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
4 purposes of this section, an ‘emergency area’ is a geo-
5 graphical area in which, and an ‘emergency period’ is the
6 period during which, there exists—

7 “(1) an emergency or disaster declared by the
8 President pursuant to the National Emergencies Act
9 or the Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act; and

11 “(2) a public health emergency declared by the
12 Secretary pursuant to section 319.”.

13 (c) IRC.—

14 (1) IN GENERAL.—Subchapter B of chapter
15 100 of the Internal Revenue Code of 1986 is amend-
16 ed by adding at the end the following new section:

17 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**
18 **NOTIFICATIONS DURING EMERGENCIES.**

19 “(a) IN GENERAL.—A group health plan that pro-
20 vides benefits for prescription drugs under such plan shall
21 provide to each participant or beneficiary enrolled under
22 such plan who resides in an emergency area during an
23 emergency period, not later than 5 business days after the
24 date of the beginning of such period with respect to such
25 area (or, the case of the emergency period described in

1 section 30304(d)(2) of the HEROES Act, not later than
2 5 business days after the date of the enactment of this
3 section)—

4 “(1) a notification (written in a manner that is
5 clear and understandable to the average participant
6 or beneficiary)—

7 “(A) of whether such plan will waive, dur-
8 ing such period with respect to such a partici-
9 pant or beneficiary, any time restrictions under
10 such plan on any authorized refills for such
11 drugs to enable such refills in advance of when
12 such refills would otherwise have been per-
13 mitted under such plan; and

14 “(B) in the case that such plan will waive
15 such restrictions during such period with re-
16 spect to such a participant or beneficiary, that
17 contains information on how such a participant
18 or beneficiary may obtain such a refill; and

19 “(2) in the case such plan elects to so waive
20 such restrictions during such period with respect to
21 such a participant or beneficiary after the notifica-
22 tion described in paragraph (1) has been provided
23 with respect to such period, not later than 5 busi-
24 ness days after such election, a notification of such

1 election that contains the information described in
2 subparagraph (B) of such paragraph.

3 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
4 purposes of this section, an ‘emergency area’ is a geo-
5 graphical area in which, and an ‘emergency period’ is the
6 period during which, there exists—

7 “(1) an emergency or disaster declared by the
8 President pursuant to the National Emergencies Act
9 or the Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act; and

11 “(2) a public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions for subchapter B of chapter 100 of the Inter-
16 nal Revenue Code of 1986 is amended by adding at
17 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emer-
gencies.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to—

20 (1) emergency periods beginning on or after the
21 date of the enactment of this Act; and

22 (2) the emergency period relating to the public
23 health emergency declared by the Secretary of
24 Health and Human Services pursuant to section 319

1 of the Public Health Service Act on January 31,
2 2020, entitled “Determination that a Public Health
3 Emergency Exists Nationwide as the Result of the
4 2019 Novel Coronavirus”.

5 IMPROVEMENT OF CERTAIN NOTIFICATIONS PROVIDED TO
6 QUALIFIED BENEFICIARIES BY GROUP HEALTH
7 PLANS IN THE CASE OF QUALIFYING EVENTS
8 SEC. 30305.

9 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
10 OF 1974.—

11 (1) IN GENERAL.—Section 606 of the Employee
12 Retirement Income Security Act of 1974 (29 U.S.C.
13 1166) is amended—

14 (A) in subsection (a)(4), in the matter fol-
15 lowing subparagraph (B), by striking “under
16 this subsection” and inserting “under this part
17 in accordance with the notification requirements
18 under subsection (c)”; and

19 (B) in subsection (c)—

20 (i) by striking “For purposes of sub-
21 section (a)(4), any notification” and insert-
22 ing “For purposes of subsection (a)(4)—
23 “(1) any notification”;

24 (ii) by striking “, whichever is applica-
25 ble, and any such notification” and insert-

1 ing “of subsection (a), whichever is appli-
2 cable;

3 “(2) any such notification”; and

4 (iii) by striking “such notification is
5 made” and inserting “such notification is
6 made; and

7 “(3) any such notification shall, with respect to
8 each qualified beneficiary with respect to whom such
9 notification is made, include information regarding
10 any Exchange established under title I of the Pa-
11 tient Protection and Affordable Care Act through
12 which such a qualified beneficiary may be eligible to
13 enroll in a qualified health plan (as defined in sec-
14 tion 1301 of the Patient Protection and Affordable
15 Care Act), including—

16 “(A) the publicly accessible Internet
17 website address for such Exchange;

18 “(B) the publicly accessible Internet
19 website address for the Find Local Help direc-
20 tory maintained by the Department of Health
21 and Human Services on the healthcare.gov
22 Internet website (or a successor website);

23 “(C) a clear explanation that—

24 “(i) an individual who is eligible for
25 continuation coverage may also be eligible

1 to enroll, with financial assistance, in a
2 qualified health plan offered through such
3 Exchange, but, in the case that such indi-
4 vidual elects to enroll in such continuation
5 coverage and subsequently elects to termi-
6 nate such continuation coverage before the
7 period of such continuation coverage ex-
8 pires, such individual will not be eligible to
9 enroll in a qualified health plan offered
10 through such Exchange during a special
11 enrollment period; and

12 “(ii) an individual who elects to enroll
13 in continuation coverage will remain eligi-
14 ble to enroll in a qualified health plan of-
15 fered through such Exchange during an
16 open enrollment period and may be eligible
17 for financial assistance with respect to en-
18 rolling in such a qualified health plan;

19 “(D) information on consumer protections
20 with respect to enrolling in a qualified health
21 plan offered through such Exchange, including
22 the requirement for such a qualified health plan
23 to provide coverage for essential health benefits
24 (as defined in section 1302(b) of the Patient
25 Protection and Affordable Care Act) and the re-

1 requirements applicable to such a qualified health
2 plan under part A of title XXVII of the Public
3 Health Service Act; and

4 “(E) information on the availability of fi-
5 nancial assistance with respect to enrolling in a
6 qualified health plan, including the maximum
7 income limit for eligibility for a premium tax
8 credit under section 36B of the Internal Rev-
9 enue Code of 1986.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall apply with respect to quali-
12 fying events occurring on or after the date that is
13 14 days after the date of the enactment of this Act.

14 (b) PUBLIC HEALTH SERVICE ACT.—

15 (1) IN GENERAL.—Section 2206 of the Public
16 Health Service Act (42 U.S.C. 300bb–6) is amend-
17 ed—

18 (A) by striking “In accordance” and in-
19 serting the following:

20 “(a) IN GENERAL.—In accordance”;

21 (B) by striking “of such beneficiary’s
22 rights under this subsection” and inserting “of
23 such beneficiary’s rights under this title in ac-
24 cordance with the notification requirements
25 under subsection (b)”;

1 (C) by striking “For purposes of para-
2 graph (4),” and all that follows through “such
3 notification is made.” and inserting the fol-
4 lowing:

5 “(b) RULES RELATING TO NOTIFICATION OF QUALI-
6 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For
7 purposes of subsection (a)(4)—

8 “(1) any notification shall be made within 14
9 days of the date on which the plan administrator is
10 notified under paragraph (2) or (3) of subsection
11 (a), whichever is applicable;

12 “(2) any such notification to an individual who
13 is a qualified beneficiary as the spouse of the cov-
14 ered employee shall be treated as notification to all
15 other qualified beneficiaries residing with such
16 spouse at the time such notification is made; and

17 “(3) any such notification shall, with respect to
18 each qualified beneficiary with respect to whom such
19 notification is made, include information regarding
20 any Exchange established under title I of the Pa-
21 tient Protection and Affordable Care Act through
22 which such a qualified beneficiary may be eligible to
23 enroll in a qualified health plan (as defined in sec-
24 tion 1301 of the Patient Protection and Affordable
25 Care Act), including—

1 “(A) the publicly accessible Internet
2 website address for such Exchange;

3 “(B) the publicly accessible Internet
4 website address for the Find Local Help direc-
5 tory maintained by the Department of Health
6 and Human Services on the healthcare.gov
7 Internet website (or a successor website);

8 “(C) a clear explanation that—

9 “(i) an individual who is eligible for
10 continuation coverage may also be eligible
11 to enroll, with financial assistance, in a
12 qualified health plan offered through such
13 Exchange, but, in the case that such indi-
14 vidual elects to enroll in such continuation
15 coverage and subsequently elects to termi-
16 nate such continuation coverage before the
17 period of such continuation coverage ex-
18 pires, such individual will not be eligible to
19 enroll in a qualified health plan offered
20 through such Exchange during a special
21 enrollment period; and

22 “(ii) an individual who elects to enroll
23 in continuation coverage will remain eligi-
24 ble to enroll in a qualified health plan of-
25 fered through such Exchange during an

1 open enrollment period and may be eligible
2 for financial assistance with respect to en-
3 rolling in such a qualified health plan;

4 “(D) information on consumer protections
5 with respect to enrolling in a qualified health
6 plan offered through such Exchange, including
7 the requirement for such a qualified health plan
8 to provide coverage for essential health benefits
9 (as defined in section 1302(b) of the Patient
10 Protection and Affordable Care Act) and the re-
11 quirements applicable to such a qualified health
12 plan under part A of title XXVII; and

13 “(E) information on the availability of fi-
14 nancial assistance with respect to enrolling in a
15 qualified health plan, including the maximum
16 income limit for eligibility for a premium tax
17 credit under section 36B of the Internal Rev-
18 enue Code of 1986.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall apply with respect to quali-
21 fying events occurring on or after the date that is
22 14 days after the date of the enactment of this Act.

23 (c) INTERNAL REVENUE CODE OF 1986.—

24 (1) IN GENERAL.—Section 4980B(f)(6) of the
25 Internal Revenue Code of 1986 is amended—

1 (A) in subparagraph (D)—

2 (i) in clause (ii), by striking “under
3 subparagraph (C)” and inserting “under
4 clause (iii)”; and

5 (ii) by redesignating clauses (i) and
6 (ii) as subclauses (I) and (II), respectively,
7 and moving the margin of each such sub-
8 clause, as so redesignated, 2 ems to the
9 right;

10 (B) by redesignating subparagraphs (A)
11 through (D) as clauses (i) through (iv), respec-
12 tively, and moving the margin of each such
13 clause, as so redesignated, 2 ems to the right;

14 (C) by striking “In accordance” and in-
15 serting the following:

16 “(A) IN GENERAL.—In accordance”;

17 (D) by inserting after “of such bene-
18 ficiary’s rights under this subsection” the fol-
19 lowing: “in accordance with the notification re-
20 quirements under subparagraph (C)”; and

21 (E) by striking “The requirements of sub-
22 paragraph (B)” and all that follows through
23 “such notification is made.” and inserting the
24 following:

1 “(B) ALTERNATIVE MEANS OF COMPLI-
2 ANCE WITH REQUIREMENT FOR NOTIFICATION
3 OF MULTIEMPLOYER PLANS BY EMPLOYERS.—
4 The requirements of subparagraph (A)(ii) shall
5 be considered satisfied in the case of a multiem-
6 ployer plan in connection with a qualifying
7 event described in paragraph (3)(B) if the plan
8 provides that the determination of the occur-
9 rence of such qualifying event will be made by
10 the plan administrator.

11 “(C) RULES RELATING TO NOTIFICATION
12 OF QUALIFIED BENEFICIARIES BY PLAN ADMIN-
13 ISTRATOR.—For purposes of subparagraph
14 (A)(iv)—

15 “(i) any notification shall be made
16 within 14 days (or, in the case of a group
17 health plan which is a multiemployer plan,
18 such longer period of time as may be pro-
19 vided in the terms of the plan) of the date
20 on which the plan administrator is notified
21 under clause (ii) or (iii) of subparagraph
22 (A), whichever is applicable;

23 “(ii) any such notification to an indi-
24 vidual who is a qualified beneficiary as the
25 spouse of the covered employee shall be

1 treated as notification to all other qualified
2 beneficiaries residing with such spouse at
3 the time such notification is made; and

4 “(iii) any such notification shall, with
5 respect to each qualified beneficiary with
6 respect to whom such notification is made,
7 include information regarding any Ex-
8 change established under title I of the Pa-
9 tient Protection and Affordable Care Act
10 through which such a qualified beneficiary
11 may be eligible to enroll in a qualified
12 health plan (as defined in section 1301 of
13 the Patient Protection and Affordable Care
14 Act), including—

15 “(I) the publicly accessible Inter-
16 net website address for such Ex-
17 change;

18 “(II) the publicly accessible
19 Internet website address for the Find
20 Local Help directory maintained by
21 the Department of Health and
22 Human Services on the healthcare.gov
23 Internet website (or a successor
24 website);

25 “(III) a clear explanation that—

1 “(aa) an individual who is
2 eligible for continuation coverage
3 may also be eligible to enroll,
4 with financial assistance, in a
5 qualified health plan offered
6 through such Exchange, but, in
7 the case that such individual
8 elects to enroll in such continu-
9 ation coverage and subsequently
10 elects to terminate such continu-
11 ation coverage before the period
12 of such continuation coverage ex-
13 pires, such individual will not be
14 eligible to enroll in a qualified
15 health plan offered through such
16 Exchange during a special enroll-
17 ment period; and

18 “(bb) an individual who
19 elects to enroll in continuation
20 coverage will remain eligible to
21 enroll in a qualified health plan
22 offered through such Exchange
23 during an open enrollment period
24 and may be eligible for financial
25 assistance with respect to enroll-

1 ing in such a qualified health
2 plan;

3 “(IV) information on consumer
4 protections with respect to enrolling in
5 a qualified health plan offered
6 through such Exchange, including the
7 requirement for such a qualified
8 health plan to provide coverage for es-
9 sential health benefits (as defined in
10 section 1302(b) of the Patient Protec-
11 tion and Affordable Care Act) and the
12 requirements applicable to such a
13 qualified health plan under part A of
14 title XXVII of the Public Health
15 Service Act; and

16 “(V) information on the avail-
17 ability of financial assistance with re-
18 spect to enrolling in a qualified health
19 plan, including the maximum income
20 limit for eligibility for a premium tax
21 credit under section 36B.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply with respect to quali-
24 fying events occurring on or after the date that is
25 14 days after the date of the enactment of this Act.

1 (d) MODEL NOTICES.—Not later than 14 days after
2 the date of the enactment of this Act, the Secretary of
3 the Labor, in consultation with the Secretary of the Treas-
4 ury and the Secretary of Health and Human Services,
5 shall—

6 (1) update the model Consolidated Omnibus
7 Budget Reconciliation Act of 1985 (referred to in
8 this subsection as “COBRA”) continuation coverage
9 general notice and the model COBRA continuation
10 coverage election notice developed by the Secretary
11 of Labor for purposes of facilitating compliance of
12 group health plans with the notification require-
13 ments under section 606 of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C. 1166)
15 to include the information described in paragraph
16 (3) of subsection (c) of such section 606, as added
17 by subsection (a)(1);

18 (2) provide an opportunity for consumer testing
19 of each such notice, as so updated, to ensure that
20 each such notice is clear and understandable to the
21 average participant or beneficiary of a group health
22 plan; and

23 (3) rename the model COBRA continuation
24 coverage general notice and the model COBRA con-
25 tinuation coverage election notice as the “model

1 COBRA continuation coverage and Affordable Care
2 Act coverage general notice” and the “model
3 COBRA continuation coverage and Affordable Care
4 Act coverage election notice”, respectively.

5 SOONER COVERAGE OF TESTING FOR COVID–19
6 SEC. 30306.

7 Section 6001(a) of division F of the Families First
8 Coronavirus Response Act (42 U.S.C. 1320b–5 note) is
9 amended by striking “beginning on or after” and inserting
10 “beginning before, on, or after”.

11 Subtitle B—Worker Health Coverage Protection

12 SHORT TITLE

13 SEC. 30311.

14 This subtitle may be cited as the “Worker Health
15 Coverage Protection Act”.

16 PRESERVING HEALTH BENEFITS FOR WORKERS

17 SEC. 30312.

18 (a) PREMIUM ASSISTANCE FOR COBRA CONTINU-
19 ATION COVERAGE AND FURLOUGHED CONTINUATION
20 COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

21 (1) PROVISION OF PREMIUM ASSISTANCE.—

22 (A) REDUCTION OF PREMIUMS PAY-
23 ABLE.—

24 (i) COBRA CONTINUATION COV-
25 ERAGE.—In the case of any premium for a
26 period of coverage during the period begin-

1 ning on March 1, 2020, and ending on
2 January 31, 2021 for COBRA continu-
3 ation coverage with respect to any assist-
4 ance eligible individual described in para-
5 graph (3)(A), such individual shall be
6 treated for purposes of any COBRA con-
7 tinuation provision as having paid the
8 amount of such premium if such individual
9 pays (and any person other than such indi-
10 vidual's employer pays on behalf of such
11 individual) 0 percent of the amount of
12 such premium owed by such individual (as
13 determined without regard to this sub-
14 section).

15 (ii) FURLOUGHED CONTINUATION
16 COVERAGE.—In the case of any premium
17 for a period of coverage during the period
18 beginning on March 1, 2020, and ending
19 on January 31, 2021 for coverage under a
20 group health plan with respect to any as-
21 sistance eligible individual described in
22 paragraph (3)(B), such individual shall be
23 treated for purposes of coverage under the
24 plan offered by the plan sponsor in which
25 the individual is enrolled as having paid

1 the amount of such premium if such indi-
2 vidual pays (and any person other than
3 such individual's employer pays on behalf
4 of such individual) 0 percent of the
5 amount of such premium owed by such in-
6 dividual (as determined without regard to
7 this subsection).

8 (B) PLAN ENROLLMENT OPTION.—

9 (i) IN GENERAL.—Notwithstanding
10 the COBRA continuation provisions, any
11 assistance eligible individual who is en-
12 rolled in a group health plan offered by a
13 plan sponsor may, not later than 90 days
14 after the date of notice of the plan enroll-
15 ment option described in this subpara-
16 graph, elect to enroll in coverage under a
17 plan offered by such plan sponsor that is
18 different than coverage under the plan in
19 which such individual was enrolled at the
20 time—

21 (I) in the case of any assistance
22 eligible individual described in para-
23 graph (3)(A), the qualifying event
24 specified in section 603(2) of the Em-
25 ployee Retirement Income Security

1 Act of 1974, section 4980B(f)(3)(B)
2 of the Internal Revenue Code of 1986,
3 section 2203(2) of the Public Health
4 Service Act, or section 8905a of title
5 5, United States Code (except for the
6 voluntary termination of such individ-
7 ual's employment by such individual),
8 occurred, and such coverage shall be
9 treated as COBRA continuation cov-
10 erage for purposes of the applicable
11 COBRA continuation coverage provi-
12 sion; or

13 (II) in the case of any assistance
14 eligible individual described in para-
15 graph (3)(B), the furlough period
16 began with respect to such individual.

17 (ii) REQUIREMENTS.—Any assistance
18 eligible individual may elect to enroll in
19 different coverage as described in clause (i)
20 only if—

21 (I) the employer involved has
22 made a determination that such em-
23 ployer will permit such assistance eli-
24 gible individual to enroll in different

1 coverage as provided under this sub-
2 paragraph;

3 (II) the premium for such dif-
4 ferent coverage does not exceed the
5 premium for coverage in which such
6 individual was enrolled at the time
7 such qualifying event occurred or im-
8 mediately before such furlough began;

9 (III) the different coverage in
10 which the individual elects to enroll is
11 coverage that is also offered to the ac-
12 tive employees of the employer, who
13 are not in a furlough period, at the
14 time at which such election is made;
15 and

16 (IV) the different coverage in
17 which the individual elects to enroll is
18 not—

19 (aa) coverage that provides
20 only dental, vision, counseling, or
21 referral services (or a combina-
22 tion of such services);

23 (bb) a qualified small em-
24 ployer health reimbursement ar-
25 rangement (as defined in section

1 9831(d)(2) of the Internal Rev-
2 enue Code of 1986);

3 (cc) a flexible spending ar-
4 rangement (as defined in section
5 106(c)(2) of the Internal Rev-
6 enue Code of 1986); or

7 (dd) benefits that provide
8 coverage for services or treat-
9 ments furnished in an on-site
10 medical facility maintained by
11 the employer and that consists
12 primarily of first-aid services,
13 prevention and wellness care, or
14 similar care (or a combination of
15 such care).

16 (C) PREMIUM REIMBURSEMENT.—For pro-
17 visions providing the payment of such premium,
18 see section 6432 of the Internal Revenue Code
19 of 1986, as added by paragraph (14).

20 (2) LIMITATION OF PERIOD OF PREMIUM AS-
21 SISTANCE.—

22 (A) ELIGIBILITY FOR ADDITIONAL COV-
23 ERAGE.—Paragraph (1)(A) shall not apply with
24 respect to—

1 (i) any assistance eligible individual
2 described in paragraph (3)(A) for months
3 of coverage beginning on or after the ear-
4 lier of—

5 (I) the first date that such indi-
6 vidual is eligible for coverage under
7 any other group health plan (other
8 than coverage consisting of only den-
9 tal, vision, counseling, or referral serv-
10 ices (or a combination thereof), cov-
11 erage under a flexible spending ar-
12 rangement (as defined in section
13 106(c)(2) of the Internal Revenue
14 Code of 1986), coverage of treatment
15 that is furnished in an on-site medical
16 facility maintained by the employer
17 and that consists primarily of first-aid
18 services, prevention and wellness care,
19 or similar care (or a combination
20 thereof)), or eligible for benefits under
21 the Medicare program under title
22 XVIII of the Social Security Act; or

23 (II) the earliest of—

24 (aa) the date following the
25 expiration of the maximum pe-

1 riod of continuation coverage re-
2 quired under the applicable
3 COBRA continuation coverage
4 provision; or

5 (bb) the date following the
6 expiration of the period of con-
7 tinuation coverage allowed under
8 paragraph (4)(B)(ii); or

9 (ii) any assistance eligible individual
10 described in paragraph (3)(B) for months
11 of coverage beginning on or after the ear-
12 lier of—

13 (I) the first date that such indi-
14 vidual is eligible for coverage under
15 any other group health plan (other
16 than coverage consisting of only den-
17 tal, vision, counseling, or referral serv-
18 ices (or a combination thereof), cov-
19 erage under a flexible spending ar-
20 rangement (as defined in section
21 106(c)(2) of the Internal Revenue
22 Code of 1986), coverage of treatment
23 that is furnished in an on-site medical
24 facility maintained by the employer
25 and that consists primarily of first-aid

1 services, prevention and wellness care,
2 or similar care (or a combination
3 thereof)), or eligible for benefits under
4 the Medicare program under title
5 XVIII of the Social Security Act; or

6 (II) the first date that such indi-
7 vidual is no longer in the furlough pe-
8 riod.

9 (B) NOTIFICATION REQUIREMENT.—Any
10 assistance eligible individual shall notify the
11 group health plan with respect to which para-
12 graph (1)(A) applies if such paragraph ceases
13 to apply by reason of clause (i)(I) or (ii)(I) of
14 subparagraph (A) (as applicable). Such notice
15 shall be provided to the group health plan in
16 such time and manner as may be specified by
17 the Secretary of Labor.

18 (C) SPECIAL ENROLLMENT PERIOD FOL-
19 LOWING EXPIRATION OF PREMIUM ASSIST-
20 ANCE.—Notwithstanding section 1311 of the
21 Patient Protection and Affordable Care Act (42
22 U.S.C. 18031), the expiration of premium as-
23 sistance pursuant to a limitation specified
24 under subparagraph (A) shall be treated as a
25 qualifying event for which any assistance eligi-

1 ble individual is eligible to enroll in a qualified
2 health plan offered through an Exchange under
3 title I of such Act (42 U.S.C. 18001 et seq.)
4 during a special enrollment period.

5 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
6 purposes of this section, the term “assistance eligible
7 individual” means, with respect to a period of cov-
8 erage during the period beginning on March 1,
9 2020, and ending on January 31, 2021—

10 (A) any individual that is a qualified bene-
11 ficiary that—

12 (i) is eligible for COBRA continuation
13 coverage by reason of a qualifying event
14 specified in section 603(2) of the Employee
15 Retirement Income Security Act of 1974,
16 section 4980B(f)(3)(B) of the Internal
17 Revenue Code of 1986, section 2203(2) of
18 the Public Health Service Act, or section
19 8905a of title 5, United States Code (ex-
20 cept for the voluntary termination of such
21 individual’s employment by such indi-
22 vidual); and

23 (ii) elects such coverage; or

24 (B) any covered employee that is in a fur-
25 lough period that remains eligible for coverage

1 under a group health plan offered by the em-
2 ployer of such covered employee.

3 (4) EXTENSION OF ELECTION PERIOD AND EF-
4 FECT ON COVERAGE.—

5 (A) IN GENERAL.—For purposes of apply-
6 ing section 605(a) of the Employee Retirement
7 Income Security Act of 1974, section
8 4980B(f)(5)(A) of the Internal Revenue Code
9 of 1986, section 2205(a) of the Public Health
10 Service Act, and section 8905a(c)(2) of title 5,
11 United States Code, in the case of—

12 (i) an individual who does not have an
13 election of COBRA continuation coverage
14 in effect on the date of the enactment of
15 this Act but who would be an assistance el-
16 igible individual described in paragraph
17 (3)(A) if such election were so in effect; or

18 (ii) an individual who elected COBRA
19 continuation coverage on or after March 1,
20 2020, and discontinued from such coverage
21 before the date of the enactment of this
22 Act,

23 such individual may elect the COBRA continu-
24 ation coverage under the COBRA continuation
25 coverage provisions containing such provisions

1 during the period beginning on the date of the
2 enactment of this Act and ending 60 days after
3 the date on which the notification required
4 under paragraph (7)(C) is provided to such in-
5 dividual.

6 (B) COMMENCEMENT OF COBRA CONTINU-
7 ATION COVERAGE.—Any COBRA continuation
8 coverage elected by a qualified beneficiary dur-
9 ing an extended election period under subpara-
10 graph (A)—

11 (i) shall apply as if such qualified ben-
12 eficiary had been covered as of the date of
13 a qualifying event specified in section
14 603(2) of the Employee Retirement In-
15 come Security Act of 1974, section
16 4980B(f)(3)(B) of the Internal Revenue
17 Code of 1986, section 2203(2) of the Pub-
18 lic Health Service Act, or section 8905a of
19 title 5, United States Code, except for the
20 voluntary termination of such beneficiary’s
21 employment by such beneficiary, that oc-
22 curs no earlier than March 1, 2020 (in-
23 cluding the treatment of premium pay-
24 ments under paragraph (1)(A) and any

1 cost-sharing requirements for items and
2 services under a group health plan); and

3 (ii) shall not extend beyond the period
4 of COBRA continuation coverage that
5 would have been required under the appli-
6 cable COBRA continuation coverage provi-
7 sion if the coverage had been elected as re-
8 quired under such provision.

9 (5) EXPEDITED REVIEW OF DENIALS OF PRE-
10 MIUM ASSISTANCE.—In any case in which an indi-
11 vidual requests treatment as an assistance eligible
12 individual described in subparagraph (A) or (B) of
13 paragraph (3) and is denied such treatment by the
14 group health plan, the Secretary of Labor (or the
15 Secretary of Health and Human Services in connec-
16 tion with COBRA continuation coverage which is
17 provided other than pursuant to part 6 of subtitle B
18 of title I of the Employee Retirement Income Secu-
19 rity Act of 1974), in consultation with the Secretary
20 of the Treasury, shall provide for expedited review of
21 such denial. An individual shall be entitled to such
22 review upon application to such Secretary in such
23 form and manner as shall be provided by such Sec-
24 retary, in consultation with the Secretary of Treas-
25 ury. Such Secretary shall make a determination re-

1 garding such individual's eligibility within 15 busi-
2 ness days after receipt of such individual's applica-
3 tion for review under this paragraph. Either Sec-
4 retary's determination upon review of the denial
5 shall be de novo and shall be the final determination
6 of such Secretary. A reviewing court shall grant def-
7 erence to such Secretary's determination. The provi-
8 sions of this paragraph, paragraphs (1) through (4),
9 and paragraphs (7) through (9) shall be treated as
10 provisions of title I of the Employee Retirement In-
11 come Security Act of 1974 for purposes of part 5 of
12 subtitle B of such title.

13 (6) DISREGARD OF SUBSIDIES FOR PURPOSES
14 OF FEDERAL AND STATE PROGRAMS.—Notwith-
15 standing any other provision of law, any premium
16 assistance with respect to an assistance eligible indi-
17 vidual under this subsection shall not be considered
18 income, in-kind support, or resources for purposes of
19 determining the eligibility of the recipient (or the re-
20 cipient's spouse or family) for benefits or assistance,
21 or the amount or extent of benefits or assistance, or
22 any other benefit provided under any Federal pro-
23 gram or any program of a State or political subdivi-
24 sion thereof financed in whole or in part with Fed-
25 eral funds.

1 (7) COBRA-SPECIFIC NOTICE.—

2 (A) GENERAL NOTICE.—

3 (i) IN GENERAL.—In the case of no-
4 tices provided under section 606(a)(4) of
5 the Employee Retirement Income Security
6 Act of 1974 (29 U.S.C. 1166(4)), section
7 4980B(f)(6)(D) of the Internal Revenue
8 Code of 1986, section 2206(4) of the Pub-
9 lic Health Service Act (42 U.S.C. 300bb-
10 6(4)), or section 8905a(f)(2)(A) of title 5,
11 United States Code, with respect to indi-
12 viduals who, during the period described in
13 paragraph (3), become entitled to elect
14 COBRA continuation coverage, the re-
15 quirements of such provisions shall not be
16 treated as met unless such notices include
17 an additional notification to the recipient a
18 written notice in clear and understandable
19 language of—

20 (I) the availability of premium
21 assistance with respect to such cov-
22 erage under this subsection; and

23 (II) the option to enroll in dif-
24 ferent coverage if the employer per-
25 mits assistance eligible individuals de-

1 scribed in paragraph (3)(A) to elect
2 enrollment in different coverage (as
3 described in paragraph (1)(B)).

4 (ii) ALTERNATIVE NOTICE.—In the
5 case of COBRA continuation coverage to
6 which the notice provision under such sec-
7 tions does not apply, the Secretary of
8 Labor, in consultation with the Secretary
9 of the Treasury and the Secretary of
10 Health and Human Services, shall, in con-
11 sultation with administrators of the group
12 health plans (or other entities) that provide
13 or administer the COBRA continuation
14 coverage involved, provide rules requiring
15 the provision of such notice.

16 (iii) FORM.—The requirement of the
17 additional notification under this subpara-
18 graph may be met by amendment of exist-
19 ing notice forms or by inclusion of a sepa-
20 rate document with the notice otherwise
21 required.

22 (B) SPECIFIC REQUIREMENTS.—Each ad-
23 ditional notification under subparagraph (A)
24 shall include—

1 (i) the forms necessary for estab-
2 lishing eligibility for premium assistance
3 under this subsection;

4 (ii) the name, address, and telephone
5 number necessary to contact the plan ad-
6 ministrator and any other person main-
7 taining relevant information in connection
8 with such premium assistance;

9 (iii) a description of the extended elec-
10 tion period provided for in paragraph
11 (4)(A);

12 (iv) a description of the obligation of
13 the qualified beneficiary under paragraph
14 (2)(B) and the penalty provided under sec-
15 tion 6720C of the Internal Revenue Code
16 of 1986 for failure to carry out the obliga-
17 tion;

18 (v) a description, displayed in a
19 prominent manner, of the qualified bene-
20 ficiary's right to a reduced premium and
21 any conditions on entitlement to the re-
22 duced premium;

23 (vi) a description of the option of the
24 qualified beneficiary to enroll in different
25 coverage if the employer permits such ben-

1 eficiary to elect to enroll in such different
2 coverage under paragraph (1)(B); and

3 (vii) information regarding any Ex-
4 change established under title I of the Pa-
5 tient Protection and Affordable Care Act
6 (42 U.S.C. 18001 et seq.) through which a
7 qualified beneficiary may be eligible to en-
8 roll in a qualified health plan, including—

9 (I) the publicly accessible inter-
10 net website address for such Ex-
11 change;

12 (II) the publicly accessible inter-
13 net website address for the Find
14 Local Help directory maintained by
15 the Department of Health and
16 Human Services on the healthcare.gov
17 internet website (or a successor
18 website);

19 (III) a clear explanation that—

20 (aa) an individual who is eli-
21 gible for continuation coverage
22 may also be eligible to enroll,
23 with financial assistance, in a
24 qualified health plan offered
25 through such Exchange, but, in

1 the case that such individual
2 elects to enroll in such continu-
3 ation coverage and subsequently
4 elects to terminate such continu-
5 ation coverage before the period
6 of such continuation coverage ex-
7 pires, such termination does not
8 initiate a special enrollment pe-
9 riod (absent a qualifying event
10 specified in section 603(2) of the
11 Employee Retirement Income Se-
12 curity Act of 1974, section
13 4980B(f)(3)(B) of the Internal
14 Revenue Code of 1986, section
15 2203(2) of the Public Health
16 Service Act, or section 8905a of
17 title 5, United States Code, with
18 respect to such individual); and

19 (bb) an individual who elects
20 to enroll in continuation coverage
21 will remain eligible to enroll in a
22 qualified health plan offered
23 through such Exchange during
24 an open enrollment period and
25 may be eligible for financial as-

1 assistance with respect to enrolling
2 in such a qualified health plan;
3 (IV) information on consumer
4 protections with respect to enrolling in
5 a qualified health plan offered
6 through such Exchange, including the
7 requirement for such a qualified
8 health plan to provide coverage for es-
9 sential health benefits (as defined in
10 section 1302(b) of such Act (42
11 U.S.C. 18022(b))) and the require-
12 ments applicable to such a qualified
13 health plan under part A of title
14 XXVII of the Public Health Service
15 Act (42 U.S.C. 300gg et seq.);
16 (V) information on the avail-
17 ability of financial assistance with re-
18 spect to enrolling in a qualified health
19 plan, including the maximum income
20 limit for eligibility for the premium
21 tax credit under section 36B of the
22 Internal Revenue Code of 1986; and
23 (VI) information on any special
24 enrollment periods during which any
25 assistance eligible individual described

1 in paragraph (3)(A)(i) may be eligible
2 to enroll, with financial assistance, in
3 a qualified health plan offered
4 through such Exchange (including a
5 special enrollment period for which an
6 individual may be eligible due to the
7 expiration of premium assistance pur-
8 suant to a limitation specified under
9 paragraph (2)(A)).

10 (C) NOTICE IN CONNECTION WITH EX-
11 TENDED ELECTION PERIODS.—In the case of
12 any assistance eligible individual described in
13 paragraph (3)(A) (or any individual described
14 in paragraph (4)(A)) who became entitled to
15 elect COBRA continuation coverage before the
16 date of the enactment of this Act, the adminis-
17 trator of the applicable group health plan (or
18 other entity) shall provide (within 60 days after
19 the date of enactment of this Act) for the addi-
20 tional notification required to be provided under
21 subparagraph (A) and failure to provide such
22 notice shall be treated as a failure to meet the
23 notice requirements under the applicable
24 COBRA continuation provision.

1 (D) MODEL NOTICES.—Not later than 30
2 days after the date of enactment of this Act,
3 with respect to any assistance eligible individual
4 described in paragraph (3)(A)—

5 (i) the Secretary of Labor, in con-
6 sultation with the Secretary of the Treas-
7 ury and the Secretary of Health and
8 Human Services, shall prescribe models for
9 the additional notification required under
10 this paragraph (other than the additional
11 notification described in clause (ii)); and

12 (ii) in the case of any additional noti-
13 fication provided pursuant to subpara-
14 graph (A) under section 8905a(f)(2)(A) of
15 title 5, United States Code, the Office of
16 Personnel Management shall prescribe a
17 model for such additional notification.

18 (8) FURLOUGH-SPECIFIC NOTICE.—

19 (A) IN GENERAL.—With respect to any as-
20 sistance eligible individual described in para-
21 graph (3)(B) who, during the period described
22 in such paragraph, becomes eligible for assist-
23 ance pursuant to paragraph (1)(A)(ii), the re-
24 quirements of section 606(a)(4) of the Em-
25 ployee Retirement Income Security Act of 1974

1 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of
2 the Internal Revenue Code of 1986, section
3 2206(4) of the Public Health Service Act (42
4 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A)
5 of title 5, United States Code, shall not be
6 treated as met unless the group health plan ad-
7 ministrator, in accordance with the timing re-
8 quirement specified under subparagraph (B),
9 provides to the individual a written notice in
10 clear and understandable language of—

11 (i) the availability of premium assist-
12 ance with respect to such coverage under
13 this subsection;

14 (ii) the option of the qualified bene-
15 ficiary to enroll in different coverage if the
16 employer permits such beneficiary to elect
17 to enroll in such different coverage under
18 paragraph (1)(B); and

19 (iii) the information specified under
20 paragraph (7)(B) (as applicable).

21 (B) TIMING SPECIFIED.—For purposes of
22 subparagraph (A), the timing requirement spec-
23 ified in this subparagraph is—

24 (i) with respect to such an individual
25 who is within a furlough period during the

1 period beginning on March 1, 2020, and
2 ending on the date of the enactment of this
3 Act, 30 days after the date of such enact-
4 ment; and

5 (ii) with respect to such an individual
6 who is within a furlough period during the
7 period beginning on the first day after the
8 date of the enactment of this Act and end-
9 ing on January 31, 2021, 30 days after
10 the date of the beginning of such furlough
11 period.

12 (C) MODEL NOTICES.—Not later than 30
13 days after the date of enactment of this Act,
14 with respect to any assistance eligible individual
15 described in paragraph (3)(B)—

16 (i) the Secretary of Labor, in con-
17 sultation with the Secretary of the Treas-
18 ury and the Secretary of Health and
19 Human Services, shall prescribe models for
20 the notification required under this para-
21 graph (other than the notification de-
22 scribed in clause (ii)); and

23 (ii) in the case of any notification pro-
24 vided pursuant to subparagraph (A) under
25 section 8905a(f)(2)(A) of title 5, United

1 States Code, the Office of Personnel Man-
2 agement shall prescribe a model for such
3 notification.

4 (9) NOTICE OF EXPIRATION OF PERIOD OF
5 PREMIUM ASSISTANCE.—

6 (A) IN GENERAL.—With respect to any as-
7 sistance eligible individual, subject to subpara-
8 graph (B), the requirements of section
9 606(a)(4) of the Employee Retirement Income
10 Security Act of 1974 (29 U.S.C. 1166(4)), sec-
11 tion 4980B(f)(6)(D) of the Internal Revenue
12 Code of 1986, section 2206(4) of the Public
13 Health Service Act (42 U.S.C. 300bb–6(4)), or
14 section 8905a(f)(2)(A) of title 5, United States
15 Code, shall not be treated as met unless the
16 employer of the individual, during the period
17 specified under subparagraph (C), provides to
18 such individual a written notice in clear and un-
19 derstandable language—

20 (i) that the premium assistance for
21 such individual will expire soon and the
22 prominent identification of the date of
23 such expiration;

1 (ii) that such individual may be eligi-
2 ble for coverage without any premium as-
3 sistance through—

4 (I) COBRA continuation cov-
5 erage; or

6 (II) coverage under a group
7 health plan;

8 (iii) that the expiration of premium
9 assistance is treated as a qualifying event
10 for which any assistance eligible individual
11 is eligible to enroll in a qualified health
12 plan offered through an Exchange under
13 title I of such Act (42 U.S.C. 18001 et
14 seq.) during a special enrollment period;
15 and

16 (iv) the information specified in para-
17 graph (7)(B)(vii).

18 (B) EXCEPTION.—The requirement for the
19 group health plan administrator to provide the
20 written notice under subparagraph (A) shall be
21 waived in the case the premium assistance for
22 such individual expires pursuant to clause (i)(I)
23 or (ii)(I) of paragraph (2)(A).

24 (C) PERIOD SPECIFIED.—For purposes of
25 subparagraph (A), the period specified in this

1 subparagraph is, with respect to the date of ex-
2 piration of premium assistance for any assist-
3 ance eligible individual pursuant to a limitation
4 requiring a notice under this paragraph, the pe-
5 riod beginning on the day that is 45 days before
6 the date of such expiration and ending on the
7 day that is 15 days before the date of such ex-
8 piration.

9 (D) MODEL NOTICES.—Not later than 30
10 days after the date of enactment of this Act,
11 with respect to any assistance eligible indi-
12 vidual—

13 (i) the Secretary of Labor, in con-
14 sultation with the Secretary of the Treas-
15 ury and the Secretary of Health and
16 Human Services, shall prescribe models for
17 the notification required under this para-
18 graph (other than the notification de-
19 scribed in clause (ii)); and

20 (ii) in the case of any notification pro-
21 vided pursuant to subparagraph (A) under
22 section 8905a(f)(2)(A) of title 5, United
23 States Code, the Office of Personnel Man-
24 agement shall prescribe a model for such
25 notification.

1 (10) REGULATIONS.—The Secretary of the
2 Treasury and the Secretary of Labor may jointly
3 prescribe such regulations or other guidance as may
4 be necessary or appropriate to carry out the provi-
5 sions of this subsection, including the prevention of
6 fraud and abuse under this subsection, except that
7 the Secretary of Labor and the Secretary of Health
8 and Human Services may prescribe such regulations
9 (including interim final regulations) or other guid-
10 ance as may be necessary or appropriate to carry
11 out the provisions of paragraphs (5), (7), (8), (9),
12 and (11).

13 (11) OUTREACH.—

14 (A) IN GENERAL.—The Secretary of
15 Labor, in consultation with the Secretary of the
16 Treasury and the Secretary of Health and
17 Human Services, shall provide outreach con-
18 sisting of public education and enrollment as-
19 sistance relating to premium assistance pro-
20 vided under this subsection. Such outreach shall
21 target employers, group health plan administra-
22 tors, public assistance programs, States, insur-
23 ers, and other entities as determined appro-
24 priate by such Secretaries. Such outreach shall
25 include an initial focus on those individuals

1 electing continuation coverage who are referred
2 to in paragraph (7)(C). Information on such
3 premium assistance, including enrollment, shall
4 also be made available on websites of the De-
5 partments of Labor, Treasury, and Health and
6 Human Services.

7 (B) ENROLLMENT UNDER MEDICARE.—
8 The Secretary of Health and Human Services
9 shall provide outreach consisting of public edu-
10 cation. Such outreach shall target individuals
11 who lose health insurance coverage. Such out-
12 reach shall include information regarding en-
13 rollment for benefits under title XVIII of the
14 Social Security Act (42 U.S.C. 1395 et seq.) for
15 purposes of preventing mistaken delays of such
16 enrollment by such individuals, including life-
17 time penalties for failure of timely enrollment.

18 (12) DEFINITIONS.—For purposes of this sec-
19 tion:

20 (A) ADMINISTRATOR.—The term “admin-
21 istrator” has the meaning given such term in
22 section 3(16)(A) of the Employee Retirement
23 Income Security Act of 1974.

24 (B) COBRA CONTINUATION COVERAGE.—
25 The term “COBRA continuation coverage”

1 means continuation coverage provided pursuant
2 to part 6 of subtitle B of title I of the Em-
3 ployee Retirement Income Security Act of 1974
4 (other than under section 609), title XXII of
5 the Public Health Service Act, section 4980B of
6 the Internal Revenue Code of 1986 (other than
7 subsection (f)(1) of such section insofar as it
8 relates to pediatric vaccines), or section 8905a
9 of title 5, United States Code, or under a State
10 program that provides comparable continuation
11 coverage. Such term does not include coverage
12 under a health flexible spending arrangement
13 under a cafeteria plan within the meaning of
14 section 125 of the Internal Revenue Code of
15 1986.

16 (C) COBRA CONTINUATION PROVISION.—
17 The term “COBRA continuation provision”
18 means the provisions of law described in sub-
19 paragraph (B).

20 (D) COVERED EMPLOYEE.—The term
21 “covered employee” has the meaning given such
22 term in section 607(2) of the Employee Retire-
23 ment Income Security Act of 1974.

24 (E) QUALIFIED BENEFICIARY.—The term
25 “qualified beneficiary” has the meaning given

1 such term in section 607(3) of the Employee
2 Retirement Income Security Act of 1974.

3 (F) GROUP HEALTH PLAN.—The term
4 “group health plan” has the meaning given
5 such term in section 607(1) of the Employee
6 Retirement Income Security Act of 1974.

7 (G) STATE.—The term “State” includes
8 the District of Columbia, the Commonwealth of
9 Puerto Rico, the Virgin Islands, Guam, Amer-
10 ican Samoa, and the Commonwealth of the
11 Northern Mariana Islands.

12 (H) PERIOD OF COVERAGE.—Any ref-
13 erence in this subsection to a period of coverage
14 shall be treated as a reference to a monthly or
15 shorter period of coverage with respect to which
16 premiums are charged with respect to such cov-
17 erage.

18 (I) PLAN SPONSOR.—The term “plan
19 sponsor” has the meaning given such term in
20 section 3(16)(B) of the Employee Retirement
21 Income Security Act of 1974.

22 (J) FURLOUGH PERIOD.—

23 (i) IN GENERAL.—The term “furlough
24 period” means, with respect to an indi-

1 vidual and an employer of such individual,
2 a period—

3 (I) beginning with the first
4 month beginning on or after March 1,
5 2020 and before January 31, 2021,
6 during which such individual’s em-
7 ployer reduces such individual’s work
8 hours (due to a lack of work, funds,
9 or other nondisciplinary reason) to an
10 amount that is less than 70 percent of
11 the base month amount; and

12 (II) ending with the earlier of—

13 (aa) the first month begin-
14 ning after January 31, 2021; or

15 (bb) the month following the
16 first month during which work
17 hours of such employee are great-
18 er than 80 percent of work hours
19 of the base month amount.

20 (ii) **BASE MONTH AMOUNT.**—For pur-
21 poses of clause (i), the term “base month
22 amount” means, with respect to an indi-
23 vidual and an employer of such individual,
24 the greater of—

1 (I) such individual's work hours
2 in the month prior (or in the case
3 such individual had no work hours in
4 the month prior and had work hours
5 in the 3 months prior, the last month
6 with work hours within the prior 3
7 months); and

8 (II) such individual's work hours
9 during the period beginning January
10 1, 2020 and ending January 31,
11 2020.

12 (13) REPORTS.—

13 (A) INTERIM REPORT.—The Secretary of
14 the Treasury and the Secretary of Labor shall
15 jointly submit an interim report to the Com-
16 mittee on Education and Labor, the Committee
17 on Ways and Means, and the Committee on En-
18 ergy and Commerce of the House of Represent-
19 atives and the Committee on Health, Edu-
20 cation, Labor, and Pensions and the Committee
21 on Finance of the Senate regarding the pre-
22 mium assistance provided under this subsection
23 that includes—

1 (i) the number of individuals provided
2 such assistance as of the date of the re-
3 port; and

4 (ii) the total amount of expenditures
5 incurred (with administrative expenditures
6 noted separately) in connection with such
7 assistance as of the date of the report.

8 (B) FINAL REPORT.—As soon as prac-
9 ticable after the last period of COBRA continu-
10 ation coverage for which premium assistance is
11 provided under this section, the Secretary of the
12 Treasury and the Secretary of Labor shall
13 jointly submit a final report to each Committee
14 referred to in subparagraph (A) that includes—

15 (i) the number of individuals provided
16 premium assistance under this section;

17 (ii) the average dollar amount
18 (monthly and annually) of premium assist-
19 ance provided to such individuals; and

20 (iii) the total amount of expenditures
21 incurred (with administrative expenditures
22 noted separately) in connection with pre-
23 mium assistance under this section.

24 (14) COBRA PREMIUM ASSISTANCE.—

1 (A) IN GENERAL.—Subchapter B of chap-
2 ter 65 of the Internal Revenue Code of 1986 is
3 amended by adding at the end the following
4 new section:

5 **“SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSIST-**
6 **ANCE.**

7 “(a) IN GENERAL.—The person to whom premiums
8 are payable for continuation coverage under section
9 30312(a)(1) of the Worker Health Coverage Protection
10 Act shall be allowed as a credit against the tax imposed
11 by section 3111(a), or so much of the taxes imposed under
12 section 3221(a) as are attributable to the rate in effect
13 under section 3111(a), for each calendar quarter an
14 amount equal to the premiums not paid by assistance eligi-
15 ble individuals for such coverage by reason of such section
16 30312(a)(1) with respect to such calendar quarter.

17 “(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—
18 For purposes of subsection (a), except as otherwise pro-
19 vided by the Secretary, the person to whom premiums are
20 payable under such continuation coverage shall be treated
21 as being—

22 “(1) in the case of any group health plan which
23 is a multiemployer plan (as defined in section 3(37)
24 of the Employee Retirement Income Security Act of
25 1974), the plan,

1 “(2) in the case of any group health plan not
2 described in paragraph (1)—

3 “(A) which provides furlough continuation
4 coverage described in section 30312(a)(1)(A)(ii)
5 of the Worker Health Coverage Protection Act
6 or subject to the COBRA continuation provi-
7 sions contained in—

8 “(i) this title,

9 “(ii) the Employee Retirement Income
10 Security Act of 1974,

11 “(iii) the Public Health Service Act,

12 or

13 “(iv) title 5, United States Code, or

14 “(B) under which some or all of the cov-
15 erage is not provided by insurance,
16 the employer maintaining the plan, and

17 “(3) in the case of any group health plan not
18 described in paragraph (1) or (2), the insurer pro-
19 viding the coverage under the group health plan.

20 “(c) LIMITATIONS AND REFUNDABILITY.—

21 “(1) CREDIT LIMITED TO CERTAIN EMPLOY-
22 MENT TAXES.—The credit allowed by subsection (a)
23 with respect to any calendar quarter shall not exceed
24 the tax imposed by section 3111(a), or so much of
25 the taxes imposed under section 3221(a) as are at-

1 tributable to the rate in effect under section
2 3111(a), for such calendar quarter (reduced by any
3 credits allowed under subsections (e) and (f) of sec-
4 tion 3111, sections 7001 and 7003 of the Families
5 First Coronavirus Response Act, section 2301 of the
6 CARES Act, and sections 20204 and 20212 of the
7 COVID-19 Tax Relief Act of 2020 for such quarter)
8 on the wages paid with respect to the employment
9 of all employees of the employer.

10 “(2) REFUNDABILITY OF EXCESS CREDIT.—

11 “(A) CREDIT IS REFUNDABLE.—If the
12 amount of the credit under subsection (a) ex-
13 ceeds the limitation of paragraph (1) for any
14 calendar quarter, such excess shall be treated
15 as an overpayment that shall be refunded under
16 sections 6402(a) and 6413(b).

17 “(B) CREDIT MAY BE ADVANCED.—In an-
18 ticipation of the credit, including the refundable
19 portion under subparagraph (A), the credit may
20 be advanced, according to forms and instruc-
21 tions provided by the Secretary, up to an
22 amount calculated under subsection (a) through
23 the end of the most recent payroll period in the
24 quarter.

1 “(C) TREATMENT OF DEPOSITS.—The
2 Secretary shall waive any penalty under section
3 6656 for any failure to make a deposit of the
4 tax imposed by section 3111(a), or so much of
5 the taxes imposed under section 3221(a) as are
6 attributable to the rate in effect under section
7 3111(a), if the Secretary determines that such
8 failure was due to the anticipation of the credit
9 allowed under this section.

10 “(D) TREATMENT OF PAYMENTS.—For
11 purposes of section 1324 of title 31, United
12 States Code, any amounts due to an employer
13 under this paragraph shall be treated in the
14 same manner as a refund due from a credit
15 provision referred to in subsection (b)(2) of
16 such section.

17 “(3) LIMITATION ON REIMBURSEMENT FOR
18 FURLOUGHED EMPLOYEES.—In the case of an indi-
19 vidual who for any month is an assistance eligible
20 individual described in section 30312(a)(3)(B) of the
21 Worker Health Coverage Protection Act with respect
22 to any coverage, the credit determined with respect
23 to such individual under subsection (a) for any such
24 month ending during a calendar quarter shall not
25 exceed the amount of premium the individual would

1 have paid for a full month of such coverage for the
2 month preceding the first month for which an indi-
3 vidual is such an assistance eligible individual.

4 “(d) GOVERNMENTAL ENTITIES.—For purposes of
5 this section, the term ‘person’ includes any governmental
6 entity or Indian tribal government (as defined in section
7 139E(c)(1)).

8 “(e) DENIAL OF DOUBLE BENEFIT.—For purposes
9 of chapter 1, the gross income of any person allowed a
10 credit under this section shall be increased for the taxable
11 year which includes the last day of any calendar quarter
12 with respect to which such credit is allowed by the amount
13 of such credit. No amount for which a credit is allowed
14 under this section shall be taken into account as qualified
15 wages under section 2301 of the CARES Act or as quali-
16 fied health plan expenses under section 7001(d) or
17 7003(d) of the Families First Coronavirus Response Act.

18 “(f) REPORTING.—Each person entitled to reim-
19 bursement under subsection (a) for any period shall sub-
20 mit such reports (at such time and in such manner) as
21 the Secretary may require, including—

22 “(1) an attestation of involuntary termination
23 of employment, reduction of hours, or furloughing,
24 for each assistance eligible individual on the basis of
25 whose termination, reduction of hours, or fur-

1 loughing entitlement to reimbursement is claimed
2 under subsection (a),

3 “(2) a report of the amount of payroll taxes off-
4 set under subsection (a) for the reporting period,
5 and

6 “(3) a report containing the TINs of all covered
7 employees, the amount of subsidy reimbursed with
8 respect to each employee, and a designation with re-
9 spect to each employee as to whether the subsidy re-
10 imbursement is for coverage of 1 individual or 2 or
11 more individuals.

12 “(g) REGULATIONS.—The Secretary shall issue such
13 regulations or other guidance as may be necessary or ap-
14 propriate to carry out this section, including—

15 “(1) the requirement to report information or
16 the establishment of other methods for verifying the
17 correct amounts of reimbursements under this sec-
18 tion,

19 “(2) the application of this section to group
20 health plans that are multiemployer plans (as de-
21 fined in section 3(37) of the Employee Retirement
22 Income Security Act of 1974),

23 “(3) to allow the advance payment of the credit
24 determined under subsection (a), subject to the limi-

1 tations provided in this section, based on such infor-
2 mation as the Secretary shall require,

3 “(4) to provide for the reconciliation of such
4 advance payment with the amount of the credit at
5 the time of filing the return of tax for the applicable
6 quarter or taxable year, and

7 “(5) with respect to the application of the cred-
8 it to third party payors (including professional em-
9 ployer organizations, certified professional employer
10 organizations, or agents under section 3504).”.

11 (B) SOCIAL SECURITY TRUST FUNDS HELD
12 HARMLESS.—There are hereby appropriated to
13 the Federal Old-Age and Survivors Insurance
14 Trust Fund and the Federal Disability Insur-
15 ance Trust Fund established under section 201
16 of the Social Security Act (42 U.S.C. 401) and
17 the Social Security Equivalent Benefit Account
18 established under section 15A(a) of the Rail-
19 road Retirement Act of 1974 (45 U.S.C. 231n-
20 1(a)) amounts equal to the reduction in reve-
21 nues to the Treasury by reason of this section
22 (without regard to this subparagraph).
23 Amounts appropriated by the preceding sen-
24 tence shall be transferred from the general fund
25 at such times and in such manner as to rep-

1 licate to the extent possible the transfers which
2 would have occurred to such Trust Fund or Ac-
3 count had this section not been enacted.

4 (C) CLERICAL AMENDMENT.—The table of
5 sections for subchapter B of chapter 65 of the
6 Internal Revenue Code of 1986 is amended by
7 adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”.

8 (D) EFFECTIVE DATE.—The amendments
9 made by this paragraph shall apply to pre-
10 miums to which subsection (a)(1)(A) applies.

11 (E) SPECIAL RULE IN CASE OF EMPLOYEE
12 PAYMENT THAT IS NOT REQUIRED UNDER THIS
13 SECTION.—

14 (i) IN GENERAL.—In the case of an
15 assistance eligible individual who pays,
16 with respect any period of coverage to
17 which subsection (a)(1)(A) applies, the
18 amount of the premium for such coverage
19 that the individual would have (but for this
20 Act) been required to pay, the person to
21 whom such payment is payable shall reim-
22 burse such individual for the amount of
23 such premium paid.

24 (ii) CREDIT OF REIMBURSEMENT.—A
25 person to which clause (i) applies shall be

1 allowed a credit in the manner provided
2 under section 6432 of the Internal Rev-
3 enue Code of 1986 for any payment made
4 to the employee under such clause.

5 (iii) PAYMENT OF CREDITS.—Any
6 person to which clause (i) applies shall
7 make the payment required under such
8 clause to the individual not later than 60
9 days after the date on which such indi-
10 vidual elects continuation coverage under
11 section 30312(a)(1) of the Worker Health
12 Coverage Protection Act.

13 (15) PENALTY FOR FAILURE TO NOTIFY
14 HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR
15 PREMIUM ASSISTANCE.—

16 (A) IN GENERAL.—Part I of subchapter B
17 of chapter 68 of the Internal Revenue Code of
18 1986 is amended by adding at the end the fol-
19 lowing new section:

20 **“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH**
21 **PLAN OF CESSATION OF ELIGIBILITY FOR**
22 **CONTINUATION COVERAGE PREMIUM ASSIST-**
23 **ANCE.**

24 “(a) IN GENERAL.—Except in the case of failure de-
25 scribed in subsection (b) or (c), any person required to

1 notify a group health plan under section 30312(a)(2)(B)
2 of the Worker Health Coverage Protection Act who fails
3 to make such a notification at such time and in such man-
4 ner as the Secretary of Labor may require shall pay a
5 penalty of \$250.

6 “(b) INTENTIONAL FAILURE.—In the case of any
7 such failure that is fraudulent, such person shall pay a
8 penalty equal to the greater of—

9 “(1) \$250, or

10 “(2) 110 percent of the premium assistance
11 provided under section 30312(a)(1)(A) of such Act
12 after termination of eligibility under such section.

13 “(c) REASONABLE CAUSE EXCEPTION.—No penalty
14 shall be imposed under this section with respect to any
15 failure if it is shown that such failure is due to reasonable
16 cause and not to willful neglect.”.

17 (B) CLERICAL AMENDMENT.—The table of
18 sections of part I of subchapter B of chapter 68
19 of such Code is amended by adding at the end
20 the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility
for continuation coverage premium assistance.”.

21 (16) COORDINATION WITH HCTC.—

22 (A) IN GENERAL.—Section 35(g)(9) of the
23 Internal Revenue Code of 1986 is amended to
24 read as follows:

1 “(9) CONTINUATION COVERAGE PREMIUM AS-
2 SISTANCE.—In the case of an assistance eligible in-
3 dividual who receives premium assistance for con-
4 tinuation coverage under section 30312(a)(1) of the
5 Worker Health Coverage Protection Act for any
6 month during the taxable year, such individual shall
7 not be treated as an eligible individual, a certified
8 individual, or a qualifying family member for pur-
9 poses of this section or section 7527 with respect to
10 such month.”.

11 (B) EFFECTIVE DATE.—The amendment
12 made by subparagraph (A) shall apply to tax-
13 able years ending after the date of the enact-
14 ment of this Act.

15 (17) EXCLUSION OF CONTINUATION COVERAGE
16 PREMIUM ASSISTANCE FROM GROSS INCOME.—

17 (A) IN GENERAL.—Part III of subchapter
18 B of chapter 1 of the Internal Revenue Code of
19 1986 is amended by inserting after section
20 139H the following new section:

21 **“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSIST-**
22 **ANCE.**

23 “*In the case of an assistance eligible individual (as*
24 *defined in subsection (a)(3) of section 30312 of the Work-*
25 *er Health Coverage Protection Act), gross income does not*

1 include any premium assistance provided under subsection
2 (a)(1) of such section.”.

3 (B) CLERICAL AMENDMENT.—The table of
4 sections for part III of subchapter B of chapter
5 1 of such Code is amended by inserting after
6 the item relating to section 139H the following
7 new item:

“Sec. 139I. Continuation coverage premium assistance.”.

8 (C) EFFECTIVE DATE.—The amendments
9 made by this paragraph shall apply to taxable
10 years ending after the date of the enactment of
11 this Act.

12 (18) DEADLINES WITH RESPECT TO NO-
13 TICES.—Notwithstanding section 518 of the Em-
14 ployee Retirement Income Security Act of 1974 and
15 section 7508A of the Internal Revenue Code of
16 1986, the Secretary of Labor and the Secretary of
17 the Treasury, respectively, may not waive or extend
18 any deadline with respect to the provision of notices
19 described in paragraphs (7), (8), and (9).

20 (b) RULE OF CONSTRUCTION.—In all matters of in-
21 terpretation, rules, and operational procedures, the lan-
22 guage of this section shall be interpreted broadly for the
23 benefit of workers and their families.

1 TITLE IV—APPLICATION TO OTHER HEALTH
2 PROGRAMS

3 PROHIBITION ON COPAYMENTS AND COST SHARING FOR
4 TRICARE BENEFICIARIES RECEIVING COVID-19
5 TREATMENT

6 SEC. 30401.

7 (a) IN GENERAL.—Section 6006(a) of the Families
8 First Coronavirus Response Act (Public Law 116-127; 38
9 U.S.C. 1074 note) is amended by striking “or visits de-
10 scribed in paragraph (2) of such section” and inserting
11 “, visits described in paragraph (2) of such section, or
12 medical care to treat COVID-19”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply with respect to medical care fur-
15 nished on or after the date of the enactment of this Act.

16 PROHIBITION ON COPAYMENTS AND COST SHARING FOR
17 VETERANS RECEIVING COVID-19 TREATMENT FUR-
18 NISHED BY DEPARTMENT OF VETERANS AFFAIRS

19 SEC. 30402.

20 (a) IN GENERAL.—Section 6006(b) of the Families
21 First Coronavirus Response Act (Public Law 116-127; 38
22 U.S.C. 1701 note) is amended by striking “or visits de-
23 scribed in paragraph (2) of such section” and inserting
24 “, visits described in paragraph (2) of such section, or hos-
25 pital care or medical services to treat COVID-19”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to hospital care and
3 medical services furnished on or after the date of the en-
4 actment of this Act.

5 PROHIBITION ON COPAYMENTS AND COST SHARING FOR
6 FEDERAL CIVILIAN EMPLOYEES RECEIVING COVID–19
7 TREATMENT
8 SEC. 30403.

9 (a) IN GENERAL.—Section 6006(c) of the Families
10 First Coronavirus Response Act (Public Law 116–127; 5
11 U.S.C. 8904 note) is amended by striking “or visits de-
12 scribed in paragraph (2) of such section” and inserting
13 “, visits described in paragraph (2) of such section, or hos-
14 pital care or medical services to treat COVID–19”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to hospital care and
17 medical services furnished on or after the date of the en-
18 actment of this Act.

19 TITLE V—PUBLIC HEALTH POLICIES

20 DEFINITIONS

21 SEC. 30501.

22 In this title:

23 (1) Except as inconsistent with the provisions
24 of this title, the term “Secretary” means the Sec-
25 retary of Health and Human Services.

1 (2) The term “State” refers to each of the 50
2 States and the District of Columbia.

3 (3) The term “Tribal”, with respect to a de-
4 partment of health (or health department), in-
5 cludes—

6 (A) Indian Tribes that—

7 (i) are operating one or more health
8 facilities pursuant to an agreement under
9 the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5301 et
11 seq.); or

12 (ii) receive services from a facility op-
13 erated by the Indian Health Services; and

14 (B) Tribal organizations and Urban Indian
15 organizations.

16 Subtitle A—Supply Chain Improvements

17 MEDICAL SUPPLIES RESPONSE COORDINATOR

18 SEC. 30511.

19 (a) IN GENERAL.—The President shall appoint a
20 Medical Supplies Response Coordinator to coordinate the
21 efforts of the Federal Government regarding the supply
22 and distribution of critical medical supplies and equipment
23 related to detecting, diagnosing, preventing, and treating
24 COVID–19, including personal protective equipment, med-
25 ical devices, drugs, and vaccines.

1 (b) QUALIFICATIONS.—To qualify to be appointed as
2 the Medical Supplies Response Coordinator, an individual
3 shall be a senior government official with—

4 (1) health care training, including training re-
5 lated to infectious diseases or hazardous exposures;
6 and

7 (2) a familiarity with medical supply chain lo-
8 gistics.

9 (c) ACTIVITIES.—The Medical Supplies Response Co-
10 ordinator shall—

11 (1) consult with State, local, territorial, and
12 Tribal officials to ensure that health care facilities
13 and health care workers have sufficient personal pro-
14 tective equipment and other medical supplies;

15 (2) evaluate ongoing needs of States, localities,
16 territories, Tribes, health care facilities, and health
17 care workers to determine the need for critical med-
18 ical supplies and equipment;

19 (3) serve as a point of contact for industry for
20 procurement and distribution of critical medical sup-
21 plies and equipment, including personal protective
22 equipment, medical devices, testing supplies, drugs,
23 and vaccines;

24 (4) procure and distribute critical medical sup-
25 plies and equipment, including personal protective

1 equipment, medical devices, testing supplies, drugs,
2 and vaccines;

3 (5)(A) establish and maintain an up-to-date na-
4 tional database of hospital capacity, including beds,
5 ventilators, and supplies, including personal protec-
6 tive equipment, medical devices, drugs, and vaccines;
7 and

8 (B) provide weekly reports to the Congress on
9 gaps in such capacity and progress made toward
10 closing the gaps;

11 (6) require, as necessary, industry reporting on
12 production and distribution of personal protective
13 equipment, medical devices, testing supplies, drugs,
14 and vaccines and assess financial penalties as may
15 be specified by the Medical Supplies Response Coord-
16 inator for failure to comply with such requirements
17 for reporting on production and distribution;

18 (7) consult with the Secretary and the Adminis-
19 trator of the Federal Emergency Management Agen-
20 cy, as applicable, to ensure sufficient production lev-
21 els under the Defense Production Act (50 U.S.C.
22 4501 et seq.); and

23 (8) monitor the prices of critical medical sup-
24 plies and equipment, including personal protective
25 equipment and medical devices, drugs, and vaccines

1 related to detecting, diagnosing, preventing, and
2 treating COVID–19 and report any suspected price
3 gouging of such materials to the Federal Trade
4 Commission and appropriate law enforcement offi-
5 cials.

6 INFORMATION TO BE INCLUDED IN LIST OF DEVICES

7 DETERMINED TO BE IN SHORTAGE

8 SEC. 30512.

9 Section 506J(g)(2)(A) of the Federal Food, Drug,
10 and Cosmetic Act, as added by section 3121 of the
11 CARES Act (Public Law 116–136), is amended by insert-
12 ing “, including the device identifier or national product
13 code for such device, if applicable” before the period at
14 the end.

15 EXTENDED SHELF LIFE DATES FOR ESSENTIAL DEVICES

16 SEC. 30513.

17 (a) IN GENERAL.—The Federal Food, Drug, and
18 Cosmetic Act is amended by inserting after section 506J
19 (21 U.S.C. 356j) the following:

20 **“SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
21 **DEVICES.**

22 “(a) IN GENERAL.—A manufacturer of a device sub-
23 ject to notification requirements under section 506J (in
24 this section referred to as an ‘essential device’) shall—

25 “(1) submit to the Secretary data and informa-
26 tion as required by subsection (b)(1);

1 “(2) conduct and submit the results of any
2 studies required under subsection (b)(3); and

3 “(3) make any labeling change described in
4 subsection (c) by the date specified by the Secretary
5 pursuant to such subsection.

6 “(b) NOTIFICATION.—

7 “(1) IN GENERAL.—The Secretary may issue
8 an order requiring the manufacturer of any essential
9 device to submit, in such manner as the Secretary
10 may prescribe, data and information from any stage
11 of development of the device (including pilot, inves-
12 tigational, and final product validation) that are
13 adequate to assess the shelf life of the device to de-
14 termine the longest supported expiration date.

15 “(2) UNAVAILABLE OR INSUFFICIENT DATA
16 AND INFORMATION.—If the data and information re-
17 ferred to in paragraph (1) are not available or are
18 insufficient, the Secretary may require the manufac-
19 turer of the device to—

20 “(A) conduct studies adequate to provide
21 the data and information; and

22 “(B) submit to the Secretary the results,
23 data, and information generated by such studies
24 when available.

1 “(c) LABELING.—The Secretary may issue an order
2 requiring the manufacturer of an essential device to make
3 by a specified date any labeling change regarding the expi-
4 ration period that the Secretary determines to be appro-
5 priate based on the data and information required to be
6 submitted under this section or any other data and infor-
7 mation available to the Secretary.

8 “(d) CONFIDENTIALITY.—Nothing in this section
9 shall be construed as authorizing the Secretary to disclose
10 any information that is a trade secret or confidential infor-
11 mation subject to section 552(b)(4) of title 5, United
12 States Code, or section 1905 of title 18, United States
13 Code.”.

14 (b) CIVIL MONETARY PENALTY.—Section 303(f) of
15 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 333(f)) is amended by adding at the end the following:

17 “(10) CIVIL MONETARY PENALTY WITH RESPECT
18 TO EXTENDED SHELF LIFE DATES FOR ESSENTIAL DE-
19 VICES.—If the manufacturer of a device subject to notifi-
20 cation requirements under section 506J violates section
21 506K by failing to submit data and information as re-
22 quired under section 506K(b)(1), failing to conduct or
23 submit the results of studies as required under section
24 506K(b)(3), or failing to make a labeling change as re-
25 quired under section 506K(c), such manufacturer shall be

1 liable to the United States for a civil penalty in an amount
2 not to exceed \$10,000 for each such violation.”.

3 (c) EMERGENCY USE ELIGIBLE PRODUCTS.—Sub-
4 paragraph (A) of section 564A(a)(1) of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(a)(1)) is
6 amended to read as follows:

7 “(A) is approved or cleared under this
8 chapter, otherwise listed as a device pursuant to
9 section 510(j), conditionally approved under
10 section 571, or licensed under section 351 of
11 the Public Health Service Act;”.

12 AUTHORITY TO DESTROY COUNTERFEIT DEVICES

13 SEC. 30514.

14 (a) IN GENERAL.—Section 801(a) of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is
16 amended—

17 (1) in the fourth sentence, by inserting “or
18 counterfeit device” after “counterfeit drug”; and

19 (2) by striking “The Secretary of the Treasury
20 shall cause the destruction of” and all that follows
21 through “liable for costs pursuant to subsection
22 (c).” and inserting the following: “The Secretary of
23 the Treasury shall cause the destruction of any such
24 article refused admission unless such article is ex-
25 ported, under regulations prescribed by the Sec-
26 retary of the Treasury, within 90 days of the date

1 of notice of such refusal or within such additional
2 time as may be permitted pursuant to such regula-
3 tions, except that the Secretary of Health and
4 Human Services may destroy, without the oppor-
5 tunity for export, any drug or device refused admis-
6 sion under this section, if such drug or device is val-
7 ued at an amount that is \$2,500 or less (or such
8 higher amount as the Secretary of the Treasury may
9 set by regulation pursuant to section 498(a)(1) of
10 the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and
11 was not brought into compliance as described under
12 subsection (b). The Secretary of Health and Human
13 Services shall issue regulations providing for notice
14 and an opportunity to appear before the Secretary
15 of Health and Human Services and introduce testi-
16 mony, as described in the first sentence of this sub-
17 section, on destruction of a drug or device under the
18 seventh sentence of this subsection. The regulations
19 shall provide that prior to destruction, appropriate
20 due process is available to the owner or consignee
21 seeking to challenge the decision to destroy the drug
22 or device. Where the Secretary of Health and
23 Human Services provides notice and an opportunity
24 to appear and introduce testimony on the destruc-
25 tion of a drug or device, the Secretary of Health and

1 Human Services shall store and, as applicable, dis-
2 pose of the drug or device after the issuance of the
3 notice, except that the owner and consignee shall re-
4 main liable for costs pursuant to subsection (c).”.

5 (b) DEFINITION.—Section 201(h) of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is
7 amended—

8 (1) by redesignating subparagraphs (1), (2),
9 and (3) as clauses (A), (B), and (C), respectively;
10 and

11 (2) after making such redesignations—

12 (A) by striking “(h) The term” and insert-
13 ing “(h)(1) The term”; and

14 (B) by adding at the end the following:

15 “(2) The term ‘counterfeit device’ means a device
16 which, or the container, packaging, or labeling of which,
17 without authorization, bears a trademark, trade name, or
18 other identifying mark, imprint, or symbol, or any likeness
19 thereof, or is manufactured using a design, of a device
20 manufacturer, packer, or distributor other than the person
21 or persons who in fact manufactured, packed, or distrib-
22 uted such device and which thereby falsely purports or is
23 represented to be the product of, or to have been packed
24 or distributed by, such other device manufacturer, packer,
25 or distributor.

1 “(3) For purposes of subparagraph (2)—

2 “(A) the term ‘manufactured’ refers to any of
3 the following activities: manufacture, preparation,
4 propagation, compounding, assembly, or processing;
5 and

6 “(B) the term ‘manufacturer’ means a person
7 who is engaged in any of the activities listed in
8 clause (A).”.

9 REPORTING REQUIREMENT FOR DRUG MANUFACTURERS
10 SEC. 30515.

11 (a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—
12 Section 510(i) of the Federal Food, Drug, and Cosmetic
13 Act (21 U.S.C. 360(i)) is amended by inserting at the end
14 the following new paragraph:

15 “(5) The requirements of paragraphs (1) and (2)
16 shall apply to establishments within a foreign country en-
17 gaged in the manufacture, preparation, propagation,
18 compounding, or processing of any drug, including the ac-
19 tive pharmaceutical ingredient, that is required to be listed
20 pursuant to subsection (j). Such requirements shall apply
21 regardless of whether the drug or active pharmaceutical
22 ingredient undergoes further manufacture, preparation,
23 propagation, compounding, or processing at a separate es-
24 tablishment or establishments outside the United States
25 prior to being imported or offered for import into the
26 United States.”.

1 (b) LISTING OF DRUGS.—Section 510(j)(1) of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
3 360(j)(1)) is amended—

4 (1) in subparagraph (D), by striking “and” at
5 the end;

6 (2) in subparagraph (E), by striking the period
7 at the end and inserting “; and”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(F) in the case of a drug contained in the ap-
11 plicable list, a certification that the registrant has—

12 “(i) identified every other establishment
13 where manufacturing is performed for the drug;
14 and

15 “(ii) notified each known foreign establish-
16 ment engaged in the manufacture, preparation,
17 propagation, compounding, or processing of the
18 drug, including the active pharmaceutical ingre-
19 dient, of the inclusion of the drug in the list
20 and the obligation to register.”.

21 (c) QUARTERLY REPORTING ON AMOUNT OF DRUGS
22 MANUFACTURED.—Section 510(j)(3)(A) of the Federal
23 Food, Drug, and Cosmetic Act (as added by section 3112
24 of the CARES Act (Public Law 116–136)) is amended
25 by striking “annually” and inserting “once during the

1 month of March of each year, once during the month of
2 June of each year, once during the month of September
3 of each year, and once during the month of December of
4 each year”.

5 RECOMMENDATIONS TO ENCOURAGE DOMESTIC

6 MANUFACTURING OF CRITICAL DRUGS

7 SEC. 30516.

8 (a) IN GENERAL.—Not later than 14 days after the
9 date of enactment of this Act, the Secretary shall enter
10 into an agreement with the National Academies of
11 Sciences, Engineering, and Medicine (referred to in this
12 section as the “National Academies”) under which, not
13 later than 90 days after the date of entering into the
14 agreement, the National Academies will—

15 (1) establish a committee of experts who are
16 knowledgeable about drug and device supply issues,
17 including—

18 (A) sourcing and production of critical
19 drugs and devices;

20 (B) sourcing and production of active
21 pharmaceutical ingredients in critical drugs;

22 (C) the raw materials and other compo-
23 nents for critical drugs and devices; and

24 (D) the public health and national security
25 implications of the current supply chain for
26 critical drugs and devices;

1 (2) convene a public symposium to—

2 (A) analyze the impact of United States
3 dependence on the foreign manufacturing of
4 critical drugs and devices on patient access and
5 care, including in hospitals and intensive care
6 units; and

7 (B) recommend strategies to end United
8 States dependence on foreign manufacturing to
9 ensure the United States has a diverse and vital
10 supply chain for critical drugs and devices to
11 protect the Nation from natural or hostile oc-
12 currences; and

13 (3) submit a report on the symposium's pro-
14 ceedings to the Congress and publish a summary of
15 such proceedings on the public website of the Na-
16 tional Academies.

17 (b) SYMPOSIUM.—In carrying out the agreement
18 under subsection (a), the National Academies shall consult
19 with—

20 (1) the Department of Health and Human
21 Services, the Department of Homeland Security, the
22 Department of Defense, the Department of Com-
23 merce, the Department of State, the Department of
24 Veterans Affairs, the Department of Justice, and
25 any other Federal agencies as appropriate; and

1 (2) relevant stakeholders, including drug and
2 device manufacturers, health care providers, medical
3 professional societies, State-based societies, public
4 health experts, State and local public health depart-
5 ments, State medical boards, patient groups, health
6 care distributors, wholesalers and group purchasing
7 organizations, pharmacists, and other entities with
8 experience in health care and public health, as ap-
9 propriate.

10 (c) DEFINITIONS.—For the purposes of this section:

11 (1) The term “critical”—

12 (A) with respect to a device, refers to a de-
13 vice classified by the Food and Drug Adminis-
14 tration as implantable, life-saving, and life-sus-
15 taining; or

16 (B) with respect to a drug, refers to a
17 drug that is described in subsection (a) of sec-
18 tion 506C of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 356c) (relating to notifi-
20 cation of any discontinuance or interruption in
21 the production of life-saving drugs).

22 (2) The terms “device” and “drug” have the
23 meanings given to those terms in section 201 of the
24 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
25 321).

1 FAILURE TO NOTIFY OF A PERMANENT DISCONTINUANCE
2 OR AN INTERRUPTION

3 SEC. 30517.

4 Section 301 of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 331) is amended by adding at the end the
6 following:

7 “(fff) The failure of a manufacturer of a drug de-
8 scribed in section 506C(a) or an active pharmaceutical in-
9 gredient of such a drug, without a reasonable basis as de-
10 termined by the Secretary, to notify the Secretary of a
11 permanent discontinuance or an interruption, and the rea-
12 sons for such discontinuance or interruption, as required
13 by section 506C.”.

14 FAILURE TO DEVELOP RISK MANAGEMENT PLAN

15 SEC. 30518.

16 Section 301 of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 331), as amended by section 30517, is fur-
18 ther amended by adding at the end the following:

19 “(ggg) The failure to develop, maintain, and imple-
20 ment a risk management plan, as required by section
21 506C(j).”.

22 NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS
23 PHARMACEUTICAL MANUFACTURING

24 SEC. 30519.

25 (a) IN GENERAL.—Section 3016 of the 21st Century
26 Cures Act (21 U.S.C. 399h) is amended to read as follows:

1 “NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS
2 PHARMACEUTICAL MANUFACTURING

3 “SEC. 3016.

4 “(a) IN GENERAL.—The Secretary of Health and
5 Human Services, acting through the Commissioner of
6 Food and Drugs—

7 “(1) shall solicit and, beginning not later than
8 1 year after the date of enactment of the National
9 Centers of Excellence in Continuous Pharmaceutical
10 Manufacturing Act of 2019, receive requests from
11 institutions of higher education to be designated as
12 a National Center of Excellence in Continuous Phar-
13 maceutical Manufacturing (in this section referred to
14 as a ‘National Center of Excellence’) to support the
15 advancement and development of continuous manu-
16 facturing; and

17 “(2) shall so designate any institution of higher
18 education that—

19 “(A) requests such designation; and

20 “(B) meets the criteria specified in sub-
21 section (c).

22 “(b) REQUEST FOR DESIGNATION.—A request for
23 designation under subsection (a) shall be made to the Sec-
24 retary at such time, in such manner, and containing such
25 information as the Secretary may require. Any such re-

1 quest shall include a description of how the institution of
2 higher education meets or plans to meet each of the cri-
3 teria specified in subsection (c).

4 “(c) CRITERIA FOR DESIGNATION DESCRIBED.—The
5 criteria specified in this subsection with respect to an in-
6 stitution of higher education are that the institution has,
7 as of the date of the submission of a request under sub-
8 section (a) by such institution—

9 “(1) physical and technical capacity for re-
10 search and development of continuous manufac-
11 turing;

12 “(2) manufacturing knowledge-sharing net-
13 works with other institutions of higher education,
14 large and small pharmaceutical manufacturers, ge-
15 neric and nonprescription manufacturers, contract
16 manufacturers, and other entities;

17 “(3) proven capacity to design and demonstrate
18 new, highly effective technology for use in contin-
19 uous manufacturing;

20 “(4) a track record for creating and transfer-
21 ring knowledge with respect to continuous manufac-
22 turing;

23 “(5) the potential to train a future workforce
24 for research on and implementation of advanced
25 manufacturing and continuous manufacturing; and

1 “(6) experience in participating in and leading
2 a continuous manufacturing technology partnership
3 with other institutions of higher education, large and
4 small pharmaceutical manufacturers (including ge-
5 neric and nonprescription drug manufacturers), con-
6 tract manufacturers, and other entities—

7 “(A) to support companies with continuous
8 manufacturing in the United States;

9 “(B) to support Federal agencies with
10 technical assistance, which may include regu-
11 latory and quality metric guidance as applica-
12 ble, for advanced manufacturing and continuous
13 manufacturing;

14 “(C) with respect to continuous manufac-
15 turing, to organize and conduct research and
16 development activities needed to create new and
17 more effective technology, capture and dissemi-
18 nate expertise, create intellectual property, and
19 maintain technological leadership;

20 “(D) to develop best practices for design-
21 ing continuous manufacturing; and

22 “(E) to assess and respond to the work-
23 force needs for continuous manufacturing, in-
24 cluding the development of training programs if
25 needed.

1 “(d) TERMINATION OF DESIGNATION.—The Sec-
2 retary may terminate the designation of any National Cen-
3 ter of Excellence designated under this section if the Sec-
4 retary determines such National Center of Excellence no
5 longer meets the criteria specified in subsection (c). Not
6 later than 60 days before the effective date of such a ter-
7 mination, the Secretary shall provide written notice to the
8 National Center of Excellence, including the rationale for
9 such termination.

10 “(e) CONDITIONS FOR DESIGNATION.—As a condi-
11 tion of designation as a National Center of Excellence
12 under this section, the Secretary shall require that an in-
13 stitution of higher education enter into an agreement with
14 the Secretary under which the institution agrees—

15 “(1) to collaborate directly with the Food and
16 Drug Administration to publish the reports required
17 by subsection (g);

18 “(2) to share data with the Food and Drug Ad-
19 ministration regarding best practices and research
20 generated through the funding under subsection (f);

21 “(3) to develop, along with industry partners
22 (which may include large and small biopharma-
23 ceutical manufacturers, generic and nonprescription
24 manufacturers, and contract manufacturers) and an-
25 other institution or institutions designated under

1 this section, if any, a roadmap for developing a con-
2 tinuous manufacturing workforce;

3 “(4) to develop, along with industry partners
4 and other institutions designated under this section,
5 a roadmap for strengthening existing, and devel-
6 oping new, relationships with other institutions; and

7 “(5) to provide an annual report to the Food
8 and Drug Administration regarding the institution’s
9 activities under this section, including a description
10 of how the institution continues to meet and make
11 progress on the criteria listed in subsection (c).

12 “(f) FUNDING.—

13 “(1) IN GENERAL.—The Secretary shall award
14 funding, through grants, contracts, or cooperative
15 agreements, to the National Centers of Excellence
16 designated under this section for the purpose of
17 studying and recommending improvements to contin-
18 uous manufacturing, including such improvements
19 as may enable the Centers—

20 “(A) to continue to meet the conditions
21 specified in subsection (e); and

22 “(B) to expand capacity for research on,
23 and development of, continuing manufacturing.

24 “(2) CONSISTENCY WITH FDA MISSION.—As a
25 condition on receipt of funding under this sub-

1 section, a National Center of Excellence shall agree
2 to consider any input from the Secretary regarding
3 the use of funding that would—

4 “(A) help to further the advancement of
5 continuous manufacturing through the National
6 Center of Excellence; and

7 “(B) be relevant to the mission of the
8 Food and Drug Administration.

9 “(3) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$100,000,000, to remain available
12 until expended.

13 “(4) RULE OF CONSTRUCTION.—Nothing in
14 this section shall be construed as precluding a Na-
15 tional Center for Excellence designated under this
16 section from receiving funds under any other provi-
17 sion of this Act or any other Federal law.

18 “(g) ANNUAL REVIEW AND REPORTS.—

19 “(1) ANNUAL REPORT.—Beginning not later
20 than 1 year after the date on which the first des-
21 ignation is made under subsection (a), and annually
22 thereafter, the Secretary shall—

23 “(A) submit to Congress a report describ-
24 ing the activities, partnerships and collabora-
25 tions, Federal policy recommendations, previous

1 and continuing funding, and findings of, and
2 any other applicable information from, the Na-
3 tional Centers of Excellence designated under
4 this section; and

5 “(B) make such report available to the
6 public in an easily accessible electronic format
7 on the website of the Food and Drug Adminis-
8 tration.

9 “(2) REVIEW OF NATIONAL CENTERS OF EX-
10 CELLENCE AND POTENTIAL DESIGNEES.—The Sec-
11 retary shall periodically review the National Centers
12 of Excellence designated under this section to ensure
13 that such National Centers of Excellence continue to
14 meet the criteria for designation under this section.

15 “(3) REPORT ON LONG-TERM VISION OF FDA
16 ROLE.—Not later than 2 years after the date on
17 which the first designation is made under subsection
18 (a), the Secretary, in consultation with the National
19 Centers of Excellence designated under this section,
20 shall submit a report to the Congress on the long-
21 term vision of the Department of Health and
22 Human Services on the role of the Food and Drug
23 Administration in supporting continuous manufac-
24 turing, including—

1 “(A) a national framework of principles re-
2 lated to the implementation and regulation of
3 continuous manufacturing;

4 “(B) a plan for the development of Federal
5 regulations and guidance for how advanced
6 manufacturing and continuous manufacturing
7 can be incorporated into the development of
8 pharmaceuticals and regulatory responsibilities
9 of the Food and Drug Administration; and

10 “(C) appropriate feedback solicited from
11 the public, which may include other institutions,
12 large and small biopharmaceutical manufactur-
13 ers, generic and nonprescription manufacturers,
14 and contract manufacturers.

15 “(h) DEFINITIONS.—In this section:

16 “(1) ADVANCED MANUFACTURING.—The term
17 ‘advanced manufacturing’ means an approach for
18 the manufacturing of pharmaceuticals that incor-
19 porates novel technology, or uses an established
20 technique or technology in a new or innovative way
21 (such as continuous manufacturing where the input
22 materials are continuously transformed within the
23 process by two or more unit operations) that en-
24 hances drug quality or improves the manufacturing
25 process.

1 “(2) CONTINUOUS MANUFACTURING.—The
2 term ‘continuous manufacturing’—

3 “(A) means a process where the input ma-
4 terials are continuously fed into and trans-
5 formed within the process, and the processed
6 output materials are continuously removed from
7 the system; and

8 “(B) consists of an integrated process that
9 consists of a series of two or more unit oper-
10 ations.

11 “(3) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given such term in section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 “(4) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Health and Human Services, acting
17 through the Commissioner of Food and Drugs.”.

18 (b) TRANSITION RULE.—Section 3016 of the 21st
19 Century Cures Act (21 U.S.C. 399h), as in effect on the
20 day before the date of the enactment of this section, shall
21 apply with respect to grants awarded under such section
22 before such date of enactment.

23 VACCINE MANUFACTURING AND ADMINISTRATION
24 CAPACITY

25 SEC. 30520.

26 (a) ENHANCING MANUFACTURING CAPACITY.—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Director of the Biomedical Advanced
3 Research and Development Authority, shall, as ap-
4 propriate, award contracts, grants, and cooperative
5 agreements, and enter into other transactions, to ex-
6 pand and enhance manufacturing capacity of vac-
7 cines and vaccine candidates to prevent the spread
8 of SARS-CoV-2 and COVID-19.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—To
10 carry out this subsection, there are authorized to be
11 appropriated such sums as may be necessary for fis-
12 cal years 2020 through 2024, to remain available
13 until expended.

14 (b) REPORT ON VACCINE MANUFACTURING AND AD-
15 MINISTRATION CAPACITY.—

16 (1) IN GENERAL.—Not later than December 31,
17 2020, the Secretary shall submit to the Committee
18 on Energy and Commerce of the House of Rep-
19 resentatives and the Committee on Health, Edu-
20 cation, Labor and Pensions of the Senate a report
21 detailing—

22 (A) an assessment of the estimated supply
23 of vaccines and ancillary medical products re-
24 lated to vaccine administration necessary to
25 control and stop the spread of SARS-CoV-2

1 and COVID–19, domestically and internation-
2 ally;

3 (B) an assessment of current and future
4 domestic manufacturing capacity for vaccines or
5 vaccine candidates to control or stop the spread
6 of SARS–CoV–2 and COVID–19, vaccine can-
7 didates, and ancillary products related to the
8 administration of such vaccines, including iden-
9 tification of any gaps in manufacturing capac-
10 ity;

11 (C) activities conducted to expand and en-
12 hance manufacturing capacity for vaccines, vac-
13 cine candidates, and ancillary medical products
14 to levels sufficient to control and stop the
15 spread of SARS–CoV–2 and COVID–19, do-
16 mestically and internationally, including a list
17 and explanation of all contracts, grants, and co-
18 operative agreements awarded, and other trans-
19 actions entered into, for purposes of such ex-
20 pansion and enhancement and how such activi-
21 ties will help to meet future domestic manufac-
22 turing capacity needs;

23 (D) a plan for the ongoing support of en-
24 hanced manufacturing capacity for vaccines,
25 vaccine candidates, and ancillary medical prod-

1 ucts sufficient to control and stop the spread of
2 SARS-CoV-2 and COVID-19, domestically
3 and internationally; and

4 (E) a plan to support the administration of
5 vaccines approved or authorized by the Food
6 and Drug Administration to control and stop
7 the spread of SARS-CoV-2 and COVID-19,
8 domestically and internationally, including Fed-
9 eral workforce enhancements necessary to ad-
10 minister such vaccines.

11 (2) ANCILLARY MEDICAL PRODUCTS.—For pur-
12 poses of this subsection, “ancillary medical prod-
13 ucts” includes—

14 (A) vials;

15 (B) bandages;

16 (C) alcohol swabs;

17 (D) syringes;

18 (E) needles;

19 (F) gloves and other personal protective
20 equipment; and

21 (G) other medical products the Secretary
22 determines necessary for the administration of
23 vaccines.

1 Subtitle B—Strategic National Stockpile Improvements

2 EQUIPMENT MAINTENANCE

3 SEC. 30531.

4 Section 319F–2 of the Public Health Service Act (42

5 U.S.C. 247d–6b) is amended—

6 (1) in subsection (a)(3)—

7 (A) in subparagraph (I), by striking “;

8 and” and inserting a semicolon;

9 (B) in subparagraph (J), by striking the
10 period at the end and inserting a semicolon;

11 and

12 (C) by inserting the following new subpara-
13 graph at the end:

14 “(K) ensure the contents of the stockpile
15 remain in good working order and, as appro-
16 priate, conduct maintenance services on such
17 contents; and”; and

18 (2) in subsection (c)(7)(B), by adding at the
19 end the following new clause:

20 “(ix) EQUIPMENT MAINTENANCE
21 SERVICE.—In carrying out this section, the
22 Secretary may enter into contracts for the
23 procurement of equipment maintenance
24 services.”.

25 SUPPLY CHAIN FLEXIBILITY MANUFACTURING PILOT

26 SEC. 30532.

1 (a) IN GENERAL.—Section 319F–2(a)(3) of the Pub-
2 lie Health Service Act (42 U.S.C. 247d–6b(a)(3)), as
3 amended by section 30531, is further amended by adding
4 at the end the following new subparagraph:

5 “(L) enhance medical supply chain elas-
6 ticity and establish and maintain domestic re-
7 serves of critical medical supplies (including
8 personal protective equipment, ancillary medical
9 supplies, and other applicable supplies required
10 for the administration of drugs, vaccines and
11 other biological products, and other medical de-
12 vices (including diagnostic tests)) by—

13 “(i) increasing emergency stock of
14 critical medical supplies;

15 “(ii) geographically diversifying pro-
16 duction of such medical supplies;

17 “(iii) purchasing, leasing, or entering
18 into joint ventures with respect to facilities
19 and equipment for the production of such
20 medical supplies; and

21 “(iv) working with distributors of
22 such medical supplies to manage the do-
23 mestic reserves established under this sub-
24 paragraph by refreshing and replenishing
25 stock of such medical supplies.”.

1 (b) REPORTING; SUNSET.—Section 319F–2(a) of the
2 Public Health Service Act (42 U.S.C. 247d–6b(a)) is
3 amended by adding at the end the following:

4 “(6) REPORTING.—Not later than September
5 30, 2022, the Secretary shall submit to the Com-
6 mittee on Energy and Commerce of the House of
7 Representatives and the Committee on Health, Edu-
8 cation, Labor and Pensions of the Senate a report
9 on the details of each purchase, lease, or joint ven-
10 ture entered into under paragraph (3)(L), including
11 the amount expended by the Secretary on each such
12 purchase, lease, or joint venture.

13 “(7) SUNSET.—The authority to make pur-
14 chases, leases, or joint ventures pursuant to para-
15 graph (3)(L) shall cease to be effective on Sep-
16 tember 30, 2023.”

17 (c) FUNDING.—Section 319F–2(f) of the Public
18 Health Service Act (42 U.S.C. 247d–6b(f)) is amended by
19 adding at the end the following:

20 “(3) SUPPLY CHAIN ELASTICITY.—

21 “(A) IN GENERAL.—For the purpose of
22 carrying out subsection (a)(3)(L), there is au-
23 thorized to be appropriated \$500,000,000 for
24 each of fiscal years 2020 through 2023, to re-
25 main available until expended.

1 “(B) RELATION TO OTHER AMOUNTS.—

2 The amount authorized to be appropriated by
3 subparagraph (A) for the purpose of carrying
4 out subsection (a)(3)(L) is in addition to any
5 other amounts available for such purpose.”.

6 REIMBURSABLE TRANSFERS FROM STRATEGIC NATIONAL

7 STOCKPILE

8 SEC. 30533.

9 Section 319F–2(a) of the Public Health Service Act
10 (42 U.S.C. 247d–6b(a)), as amended, is further amended
11 by adding at the end the following:

12 “(8) TRANSFERS AND REIMBURSEMENTS.—

13 “(A) IN GENERAL.—Without regard to
14 chapter 5 of title 40, United States Code, the
15 Secretary may transfer to any Federal depart-
16 ment or agency, on a reimbursable basis, any
17 drugs, vaccines and other biological products,
18 medical devices, and other supplies in the stock-
19 pile if—

20 “(i) the transferred supplies are less
21 than 6 months from expiry;

22 “(ii) the stockpile is able to replenish
23 the supplies, as appropriate; and

24 “(iii) the Secretary decides the trans-
25 fer is in the best interest of the United
26 States Government.

1 “(B) USE OF REIMBURSEMENT.—Reim-
2 bursement derived from the transfer of supplies
3 pursuant to subparagraph (A) may be used by
4 the Secretary, without further appropriation
5 and without fiscal year limitation, to carry out
6 this section.

7 “(C) REPORT.—Not later than September
8 30, 2022, the Secretary shall submit to the
9 Committee on Energy and Commerce of the
10 House of Representatives and the Committee
11 on Health, Education, Labor and Pensions of
12 the Senate a report on each transfer made
13 under this paragraph and the amount received
14 by the Secretary in exchange for that transfer.

15 “(D) SUNSET.—The authority to make
16 transfers under this paragraph shall cease to be
17 effective on September 30, 2023.”.

18 STRATEGIC NATIONAL STOCKPILE ACTION REPORTING

19 SEC. 30534.

20 (a) IN GENERAL.—The Assistant Secretary for Pre-
21 paredness and Response (in this section referred to as the
22 “Assistant Secretary”), in coordination with the Adminis-
23 trator of the Federal Emergency Management Agency,
24 shall—

25 (1) not later than 30 days after the date of en-
26 actment of this Act, issue a report to the Committee

1 on Energy and Commerce of the House of Rep-
2 resentatives and the Committee on Health, Edu-
3 cation, Labor and Pensions of the Senate regarding
4 all State, local, Tribal, and territorial requests for
5 supplies from the Strategic National Stockpile re-
6 lated to COVID-19; and

7 (2) not less than every 30 days thereafter
8 through the end of the emergency period (as such
9 term is defined in section 1135(g)(1)(B) of the So-
10 cial Security Act (42 U.S.C. 1320b-5(g)(1)(B))),
11 submit to such committees an updated version of
12 such report.

13 (b) REPORTING PERIOD.—

14 (1) INITIAL REPORT.—The initial report under
15 subsection (a) shall address all requests described in
16 such subsection made during the period—

17 (A) beginning on January 31, 2020; and

18 (B) ending on the date that is 30 days be-
19 fore the date of submission of the report.

20 (2) UPDATES.—Each update to the report
21 under subsection (a) shall address all requests de-
22 scribed in such subsection made during the period—

23 (A) beginning at the end of the previous
24 reporting period under this section; and

1 (B) ending on the date that is 30 days be-
2 fore the date of submission of the updated re-
3 port.

4 (c) CONTENTS OF REPORT.—The report under sub-
5 section (a) (and updates thereto) shall include—

6 (1) the details of each request described in such
7 subsection, including—

8 (A) the specific medical countermeasures,
9 including devices such as personal protective
10 equipment, and other materials requested; and

11 (B) the amount of such materials re-
12 quested; and

13 (2) the outcomes of each request described in
14 subsection (a), including—

15 (A) whether the request was wholly ful-
16 filled, partially fulfilled, or denied;

17 (B) if the request was wholly or partially
18 fulfilled, the fulfillment amount; and

19 (C) if the request was partially fulfilled or
20 denied, a rationale for such outcome.

21 IMPROVED, TRANSPARENT PROCESSES FOR THE

22 STRATEGIC NATIONAL STOCKPILE

23 SEC. 30535.

24 (a) IN GENERAL.—Not later than January 1, 2021,
25 the Secretary, in collaboration with the Assistant Sec-
26 retary for Preparedness and Response and the Director

1 of the Centers for Disease Control and Prevention, shall
2 develop and implement improved, transparent processes
3 for the use and distribution of drugs, vaccines and other
4 biological products, medical devices, and other supplies
5 (including personal protective equipment, ancillary med-
6 ical supplies, and other applicable supplies required for the
7 administration of drugs, vaccines and other biological
8 products, diagnostic tests, and other medical devices) in
9 the Strategic National Stockpile under section 319F–2 of
10 the Public Health Service Act (42 U.S.C. 247d–6b) (in
11 this section referred to as the “Stockpile”).

12 (b) PROCESSES.—The processes developed under
13 subsection (a) shall include—

14 (1) the form and manner in which States, local-
15 ities, Tribes, and territories are required to submit
16 requests for supplies from the Stockpile;

17 (2) the criteria used by the Secretary in re-
18 sponding to such requests, including the reasons for
19 fulfilling or denying such requests;

20 (3) what circumstances result in prioritization
21 of distribution of supplies from the Stockpile to
22 States, localities, Tribes, or territories;

23 (4) clear plans for future, urgent communica-
24 tion between the Secretary and States, localities,

1 Tribes, and territories regarding the outcome of
2 such requests; and

3 (5) any differences in the processes developed
4 under subsection (a) for geographically related emer-
5 gencies, such as weather events, and national emer-
6 gencies, such as pandemics.

7 (c) REPORT TO CONGRESS.—Not later than January
8 1, 2021, the Secretary shall—

9 (1) submit a report to the Committee Energy
10 and Commerce of the House of Representatives and
11 the Committee on Health, Education, Labor and
12 Pensions of the Senate regarding the improved,
13 transparent processes developed under this section;
14 and

15 (2) include in such report recommendations for
16 opportunities for communication (by telebriefing,
17 phone calls, or in-person meetings) between the Sec-
18 retary and States, localities, Tribes, and territories
19 regarding such improved, transparent processes.

20 GAO STUDY ON THE FEASIBILITY AND BENEFITS OF A
21 STRATEGIC NATIONAL STOCKPILE USER FEE AGREEMENT
22 SEC. 30536.

23 (a) IN GENERAL.— The Comptroller General of the
24 United States shall conduct a study to investigate the fea-
25 sibility of establishing user fees to offset certain Federal
26 costs attributable to the procurement of single-source ma-

1 terials for the Strategic National Stockpile under section
2 319F–2 of the Public Health Service Act (42 U.S.C.
3 247d–6b) and distributions of such materials from the
4 Stockpile. In conducting this study, the Comptroller Gen-
5 eral shall consider, to the extent information is available—

6 (1) whether entities receiving such distributions
7 generate profits from those distributions;

8 (2) any Federal costs attributable to such dis-
9 tributions;

10 (3) whether such user fees would provide the
11 Secretary with funding to potentially offset procure-
12 ment costs of such materials for the Strategic Na-
13 tional Stockpile; and

14 (4) any other issues the Comptroller General
15 identifies as relevant.

16 (b) REPORT.—Not later than February 1, 2023, the
17 Comptroller General of the United States shall submit to
18 the Congress a report on the findings and conclusions of
19 the study under subsection (a).

20 Subtitle C—Testing and Testing Infrastructure

21 Improvements

22 COVID–19 TESTING STRATEGY

23 SEC. 30541.

24 (a) STRATEGY.—Not later than June 15, 2020, the
25 Secretary shall update the COVID–19 strategic testing

1 plan under the heading “Department of Health and
2 Human Services—Office of the Secretary—Public Health
3 and Social Service Emergency Fund” in title I of division
4 B of the Paycheck Protection Program and Health Care
5 Enhancement Act (Public Law 116–139, 134 Stat. 620,
6 626–627) and submit to the appropriate congressional
7 committees such updated national plan identifying—

8 (1) what level of, types of, and approaches to
9 testing (including predicted numbers of tests, popu-
10 lations to be tested, and frequency of testing and the
11 appropriate setting whether a health care setting
12 (such as hospital-based, high-complexity laboratory,
13 point-of-care, mobile testing units, pharmacies or
14 community health centers) or non-health care setting
15 (such as workplaces, schools, or child care centers))
16 are necessary—

17 (A) to sufficiently monitor and contribute
18 to the control of the transmission of SARS-
19 CoV-2 in the United States;

20 (B) to ensure that any reduction in social
21 distancing efforts, when determined appropriate
22 by public health officials, can be undertaken in
23 a manner that optimizes the health and safety
24 of the people of the United States, and reduces
25 disparities (including disparities related to race,

1 ethnicity, sex, age, disability status, socio-
2 economic status, and geographic location) in the
3 prevalence of, incidence of, and health outcomes
4 with respect to, COVID–19; and

5 (C) to provide for ongoing surveillance suf-
6 ficient to support contact tracing, case identi-
7 fication, quarantine, and isolation to prevent fu-
8 ture outbreaks of COVID–19;

9 (2) specific plans and benchmarks, each with
10 clear timelines, to ensure—

11 (A) such level of, types of, and approaches
12 to testing as are described in paragraph (1),
13 with respect to optimizing health and safety;

14 (B) sufficient availability of all necessary
15 testing materials and supplies, including extrac-
16 tion and testing kits, reagents, transport media,
17 swabs, instruments, analysis equipment, per-
18 sonal protective equipment if necessary for test-
19 ing (including point-of-care testing), and other
20 equipment;

21 (C) allocation of testing materials and sup-
22 plies in a manner that optimizes public health,
23 including by considering the variable impact of
24 SARS–CoV–2 on specific States, territories, In-
25 dian Tribes, Tribal organizations, urban Indian

1 organizations, communities, industries, and pro-
2 fessions;

3 (D) sufficient evidence of validation for
4 tests that are deployed as a part of such strat-
5 egy;

6 (E) sufficient laboratory and analytical ca-
7 pacity, including target turnaround time for
8 test results;

9 (F) sufficient personnel, including per-
10 sonnel to collect testing samples, conduct and
11 analyze results, and conduct testing follow-up,
12 including contact tracing, as appropriate; and

13 (G) enforcement of the Families First
14 Coronavirus Response Act (Public Law 116–
15 127) to ensure patients who are tested are not
16 subject to cost sharing;

17 (3) specific plans to ensure adequate testing in
18 rural areas, frontier areas, health professional short-
19 age areas, and medically underserved areas (as de-
20 fined in section 330I(a) of the Public Health Service
21 Act (42 U.S.C. 254c–14(a))), and for underserved
22 populations, Native Americans (including Indian
23 Tribes, Tribal organizations, and urban Indian orga-
24 nizations), and populations at increased risk related
25 to COVID–19;

1 (4) specific plans to ensure accessibility of test-
2 ing to people with disabilities, older individuals, and
3 individuals with underlying health conditions or
4 weakened immune systems; and

5 (5) specific plans for broadly developing and
6 implementing testing for potential immunity in the
7 United States, as appropriate, in a manner suffi-
8 cient—

9 (A) to monitor and contribute to the con-
10 trol of SARS-CoV-2 in the United States;

11 (B) to ensure that any reduction in social
12 distancing efforts, when determined appropriate
13 by public health officials, can be undertaken in
14 a manner that optimizes the health and safety
15 of the people of the United States; and

16 (C) to reduce disparities (including dispari-
17 ties related to race, ethnicity, sex, age, dis-
18 ability status, socioeconomic status, and geo-
19 graphic location) in the prevalence of, incidence
20 of, and health outcomes with respect to,
21 COVID-19.

22 (b) COORDINATION.—The Secretary shall carry out
23 this section—

24 (1) in coordination with the Administrator of
25 the Federal Emergency Management Agency;

1 (2) in collaboration with other agencies and de-
2 partments, as appropriate; and

3 (3) taking into consideration the State plans for
4 COVID–19 testing prepared as required under the
5 heading “Department of Health and Human Serv-
6 ices—Office of the Secretary—Public Health and
7 Social Service Emergency Fund” in title I of divi-
8 sion B of the Paycheck Protection Program and
9 Health Care Enhancement Act (Public Law 116–
10 139; 134 Stat. 620, 624).

11 (c) UPDATES.—

12 (1) FREQUENCY.—The updated national plan
13 under subsection (a) shall be updated every 30 days
14 until the end of the public health emergency first de-
15 clared by the Secretary under section 319 of the
16 Public Health Service Act (42 U.S.C. 247d) on Jan-
17 uary 31, 2020, with respect to COVID–19.

18 (2) RELATION TO OTHER LAW.—Paragraph (1)
19 applies in lieu of the requirement (for updates every
20 90 days until funds are expended) in the second to
21 last proviso under the heading “Department of
22 Health and Human Services—Office of the Sec-
23 retary—Public Health and Social Service Emergency
24 Fund” in title I of division B of the Paycheck Pro-

1 tection Program and Health Care Enhancement Act
2 (Public Law 116–139; 134 Stat. 620, 627).

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

4 In this section, the term “appropriate congressional com-
5 mittees” means—

6 (1) the Committee on Appropriations and the
7 Committee on Energy and Commerce of the House
8 of Representatives; and

9 (2) the Committee on Appropriations and the
10 Committee on Health, Education, Labor and Pen-
11 sions and of the Senate.

12 CENTRALIZED TESTING INFORMATION WEBSITE

13 SEC. 30542.

14 The Secretary shall establish and maintain a public,
15 searchable webpage, to be updated and corrected as nec-
16 essary through a process established by the Secretary, on
17 the website of the Department of Health and Human
18 Services that—

19 (1) identifies all in vitro diagnostic and sero-
20 logical tests used in the United States to analyze
21 clinical specimens for detection of SARS–CoV–2 or
22 antibodies specific to SARS–CoV–2, including—

23 (A) those tests—

24 (i) that are approved, cleared, or au-
25 thorized under section 510(k), 513, 515, or
26 564 of the Federal Food, Drug, and Cos-

1 metic Act (21 U.S.C. 360(k), 360c, 360e,
2 360bbb-3);

3 (ii) that have been validated by the
4 test's developers for use on clinical speci-
5 mens and for which the developer has noti-
6 fied the Food and Drug Administration of
7 the developer's intent to market the test
8 consistent with applicable guidance issued
9 by the Secretary; or

10 (iii) that have been developed and au-
11 thorized by a State that has notified the
12 Secretary of the State's intention to review
13 tests intended to diagnose COVID-19; and

14 (B) other SARS-CoV-2-related tests that
15 the Secretary determines appropriate in guid-
16 ance, which may include tests related to the
17 monitoring of COVID-19 patient status;

18 (2) provides relevant information, as deter-
19 mined by the Secretary, on each test identified pur-
20 suant to paragraph (1), which may include—

21 (A) the name and contact information of
22 the developer of the test;

23 (B) the date of receipt of notification by
24 the Food and Drug Administration of the devel-
25 oper's intent to market the test;

1 (C) the date of authorization for use of the
2 test on clinical specimens, where applicable;

3 (D) the letter of authorization for use of
4 the test on clinical specimens, where applicable;

5 (E) any fact sheets, manufacturer instruc-
6 tions, and package inserts for the test, includ-
7 ing information on intended use;

8 (F) sensitivity and specificity of the test;
9 and

10 (G) in the case of tests distributed by com-
11 mercial manufacturers, the number of tests dis-
12 tributed and, if available, the number of labora-
13 tories in the United States with the required
14 platforms installed to perform the test; and

15 (3) includes—

16 (A) a list of laboratories certified under
17 section 353 of the Public Health Service Act
18 (42 U.S.C. 263a; commonly referred to as
19 “CLIA”) that—

20 (i) meet the regulatory requirements
21 under such section to perform high- or
22 moderate-complexity testing; and

23 (ii) are authorized to perform SARS-
24 CoV-2 diagnostic or serological tests on
25 clinical specimens; and

- 1 (B) information on each laboratory identi-
2 fied pursuant to subparagraph (A), including—
3 (i) the name and address of the lab-
4 oratory;
5 (ii) the CLIA certificate number;
6 (iii) the laboratory type;
7 (iv) the certificate type; and
8 (v) the complexity level.

9 MANUFACTURER REPORTING OF TEST DISTRIBUTION

10 SEC. 30543.

11 (a) IN GENERAL.—A commercial manufacturer of an
12 in vitro diagnostic or serological COVID–19 test shall, on
13 a weekly basis, submit a notification to the Secretary re-
14 garding distribution of each such test, which notifica-
15 tion—

16 (1) shall include the number of tests distributed
17 and the entities to which the tests are distributed;
18 and

19 (2) may include the quantity of such tests dis-
20 tributed by the manufacturer.

21 (b) CONFIDENTIALITY.—Nothing in this section shall
22 be construed as authorizing the Secretary to disclose any
23 information that is a trade secret or confidential informa-
24 tion subject to section 552(b)(4) of title 5, United States
25 Code, or section 1905 of title 18, United States Code.

1 (c) FAILURE TO MEET REQUIREMENTS.—If a manu-
2 facturer fails to submit a notification as required under
3 subsection (a), the following applies:

4 (1) The Secretary shall issue a letter to such
5 manufacturer informing such manufacturer of such
6 failure.

7 (2) Not later than 7 calendar days after the
8 issuance of a letter under paragraph (1), the manu-
9 facturer to whom such letter is issued shall submit
10 to the Secretary a written response to such letter—

11 (A) setting forth the basis for noncompli-
12 ance; and

13 (B) providing information as required
14 under subsection (a).

15 (3) Not later than 14 calendar days after the
16 issuance of a letter under paragraph (1), the Sec-
17 retary shall make such letter and any response to
18 such letter under paragraph (2) available to the pub-
19 lic on the internet website of the Food and Drug Ad-
20 ministration, with appropriate redactions made to
21 protect information described in subsection (b). The
22 preceding sentence shall not apply if the Secretary
23 determines that—

24 (A) the letter under paragraph (1) was
25 issued in error; or

1 (B) after review of such response, the
2 manufacturer had a reasonable basis for not
3 notifying as required under subsection (a).

4 STATE TESTING REPORT

5 SEC. 30544.

6 For any State that authorizes (or intends to author-
7 ize) one or more laboratories in the State to develop and
8 perform in vitro diagnostic COVID–19 tests, the head of
9 the department or agency of such State with primary re-
10 sponsibility for health shall—

11 (1) notify the Secretary of such authorization
12 (or intention to authorize); and

13 (2) provide the Secretary with a weekly re-
14 port—

15 (A) identifying all laboratories authorized
16 (or intended to be authorized) by the State to
17 develop and perform in vitro diagnostic
18 COVID–19 tests;

19 (B) including relevant information on all
20 laboratories identified pursuant to subpara-
21 graph (A), which may include information on
22 laboratory testing capacity;

23 (C) identifying all in vitro diagnostic
24 COVID–19 tests developed and approved for
25 clinical use in laboratories identified pursuant
26 to subparagraph (A); and

1 (D) including relevant information on all
2 tests identified pursuant to subparagraph (C),
3 which may include—

4 (i) the name and contact information
5 of the developer of any such test;

6 (ii) any fact sheets, manufacturer in-
7 structions, and package inserts for any
8 such test, including information on in-
9 tended use; and

10 (iii) the sensitivity and specificity of
11 any such test.

12 STATE LISTING OF TESTING SITES

13 SEC. 30545.

14 Not later than 14 days after the date of enactment
15 of this Act, any State receiving funding or assistance
16 under this Act, as a condition on such receipt, shall estab-
17 lish and maintain a public, searchable webpage on the offi-
18 cial website of the State that—

19 (1) identifies all sites located in the State that
20 provide diagnostic or serological testing for SARS-
21 CoV-2; and

22 (2) provides appropriate contact information for
23 SARS-CoV-2 testing sites pursuant to paragraph
24 (1).

25 REPORTING OF COVID-19 TESTING RESULTS

26 SEC. 30546.

1 (a) IN GENERAL.—Every laboratory that performs or
2 analyzes a test that is intended to detect SARS–CoV–2
3 or to diagnose a possible case of COVID–19 shall report
4 daily the number of tests performed and the results from
5 each such test to the Secretary of Health and Human
6 Services and to the Secretary of Homeland Security, in
7 such form and manner as such Secretaries may prescribe.
8 Such information shall be made available to the public in
9 a searchable, electronic format.

10 (b) ADDITIONAL REPORTING REQUIREMENTS.—The
11 Secretaries specified in subsection (a)—

12 (1) may specify additional reporting require-
13 ments under this section by regulation, including by
14 interim final rule, or by guidance; and

15 (2) may issue such regulations or guidance
16 without regard to the procedures otherwise required
17 by section 553 of title 5, United States Code.

18 GAO REPORT ON DIAGNOSTIC TESTS

19 SEC. 30547.

20 (a) GAO STUDY.—Not later than 18 months after
21 the date of enactment of this Act, the Comptroller General
22 of the United States shall submit to the Committee on
23 Energy and Commerce of the House of Representatives
24 and the Committee on Health, Education, Labor and Pen-
25 sions of the Senate a report describing the response of
26 entities described in subsection (b) to the COVID–19 pan-

1 demic with respect to the development, regulatory evalua-
2 tion, and deployment of diagnostic tests.

3 (b) ENTITIES DESCRIBED.—Entities described in
4 this subsection include—

5 (1) laboratories, including public health, aca-
6 demic, clinical, and commercial laboratories;

7 (2) diagnostic test manufacturers;

8 (3) State, local, Tribal, and territorial govern-
9 ments; and

10 (4) the Food and Drug Administration, the
11 Centers for Disease Control and Prevention, the
12 Centers for Medicare & Medicaid Services, the Na-
13 tional Institutes of Health, and other relevant Fed-
14 eral agencies, as appropriate.

15 (c) CONTENTS.—The report under subsection (a)
16 shall include—

17 (1) a description of actions taken by entities de-
18 scribed in subsection (b) to develop, evaluate, and
19 deploy diagnostic tests;

20 (2) an assessment of the coordination of Fed-
21 eral agencies in the development, regulatory evalua-
22 tion, and deployment of diagnostic tests;

23 (3) an assessment of the standards used by the
24 Food and Drug Administration to evaluate diag-
25 nostic tests;

1 (4) an assessment of the clarity of Federal
2 agency guidance related to testing, including the
3 ability for individuals without medical training to
4 understand which diagnostic tests had been evalu-
5 ated by the Food and Drug Administration;

6 (5) a description of—

7 (A) actions taken and clinical processes
8 employed by States and territories that have
9 authorized laboratories to develop and perform
10 diagnostic tests not authorized, approved, or
11 cleared by the Food and Drug Administration,
12 including actions of such States and territories
13 to evaluate the accuracy and sensitivity of such
14 tests; and

15 (B) the standards used by States and ter-
16 ritories when deciding when to authorize labora-
17 tories to develop or perform diagnostic tests;

18 (6) an assessment of the steps taken by labora-
19 tories and diagnostic test manufacturers to validate
20 diagnostic tests, as well as the evidence collected by
21 such entities to support validation; and

22 (7) based on available reports, an assessment of
23 the accuracy and sensitivity of a representative sam-
24 ple of available diagnostic tests.

1 (d) DEFINITION.—In this section, the term “diag-
2 nostic test” means an in vitro diagnostic product (as de-
3 fined in section 809.3(a) of title 21, Code of Federal Regu-
4 lations) for—

5 (1) the detection of SARS-CoV-2;

6 (2) the diagnosis of the virus that causes
7 COVID-19; or

8 (3) the detection of antibodies specific to
9 SARS-CoV-2, such as a serological test.

10 PUBLIC HEALTH DATA SYSTEM TRANSFORMATION

11 SEC. 30548.

12 Subtitle C of title XXVIII of the Public Health Serv-
13 ice Act (42 U.S.C. 300hh–31 et seq.) is amended by add-
14 ing at the end the following:

15 **“SEC. 2822. PUBLIC HEALTH DATA SYSTEM TRANS-**
16 **FORMATION.**

17 **“(a) EXPANDING CDC AND PUBLIC HEALTH DE-**
18 **PARTMENT CAPABILITIES.—**

19 **“(1) IN GENERAL.—**The Secretary, acting
20 through the Director of the Centers for Disease
21 Control and Prevention, shall—

22 **“(A)** conduct activities to expand, enhance,
23 and improve applicable public health data sys-
24 tems used by the Centers for Disease Control
25 and Prevention, related to the interoperability
26 and improvement of such systems (including as

1 it relates to preparedness for, prevention and
2 detection of, and response to public health
3 emergencies); and

4 “(B) award grants or cooperative agree-
5 ments to State, local, Tribal, or territorial pub-
6 lic health departments for the expansion and
7 modernization of public health data systems, to
8 assist public health departments in—

9 “(i) assessing current data infrastruc-
10 ture capabilities and gaps to improve and
11 increase consistency in data collection,
12 storage, and analysis and, as appropriate,
13 to improve dissemination of public health-
14 related information;

15 “(ii) improving secure public health
16 data collection, transmission, exchange,
17 maintenance, and analysis;

18 “(iii) improving the secure exchange
19 of data between the Centers for Disease
20 Control and Prevention, State, local, Trib-
21 al, and territorial public health depart-
22 ments, public health organizations, and
23 health care providers, including by public
24 health officials in multiple jurisdictions
25 within such State, as appropriate, and by

1 simplifying and supporting reporting by
2 health care providers, as applicable, pursu-
3 ant to State law, including through the use
4 of health information technology;

5 “(iv) enhancing the interoperability of
6 public health data systems (including sys-
7 tems created or accessed by public health
8 departments) with health information tech-
9 nology, including with health information
10 technology certified under section
11 3001(c)(5);

12 “(v) supporting and training data sys-
13 tems, data science, and informatics per-
14 sonnel;

15 “(vi) supporting earlier disease and
16 health condition detection, such as through
17 near real-time data monitoring, to support
18 rapid public health responses;

19 “(vii) supporting activities within the
20 applicable jurisdiction related to the expan-
21 sion and modernization of electronic case
22 reporting; and

23 “(viii) developing and disseminating
24 information related to the use and impor-
25 tance of public health data.

1 “(2) DATA STANDARDS.—In carrying out para-
2 graph (1), the Secretary, acting through the Direc-
3 tor of the Centers for Disease Control and Preven-
4 tion, shall, as appropriate and in consultation with
5 the Office of the National Coordinator for Health
6 Information Technology, designate data and tech-
7 nology standards (including standards for interoper-
8 ability) for public health data systems, with def-
9 erence given to standards published by consensus-
10 based standards development organizations with
11 public input and voluntary consensus-based stand-
12 ards bodies.

13 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
14 Secretary may develop and utilize public-private
15 partnerships for technical assistance, training, and
16 related implementation support for State, local,
17 Tribal, and territorial public health departments,
18 and the Centers for Disease Control and Prevention,
19 on the expansion and modernization of electronic
20 case reporting and public health data systems, as
21 applicable.

22 “(b) REQUIREMENTS.—

23 “(1) HEALTH INFORMATION TECHNOLOGY
24 STANDARDS.—The Secretary may not award a grant
25 or cooperative agreement under subsection (a)(1)(B)

1 unless the applicant uses or agrees to use standards
2 endorsed by the National Coordinator for Health In-
3 formation Technology pursuant to section
4 3001(e)(1) or adopted by the Secretary under sec-
5 tion 3004.

6 “(2) WAIVER.—The Secretary may waive the
7 requirement under paragraph (1) with respect to an
8 applicant if the Secretary determines that the activi-
9 ties under subsection (a)(1)(B) cannot otherwise be
10 carried out within the applicable jurisdiction.

11 “(3) APPLICATION.—A State, local, Tribal, or
12 territorial health department applying for a grant or
13 cooperative agreement under this section shall sub-
14 mit an application to the Secretary at such time and
15 in such manner as the Secretary may require. Such
16 application shall include information describing—

17 “(A) the activities that will be supported
18 by the grant or cooperative agreement; and

19 “(B) how the modernization of the public
20 health data systems involved will support or im-
21 pact the public health infrastructure of the
22 health department, including a description of
23 remaining gaps, if any, and the actions needed
24 to address such gaps.

1 “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not
2 later than 180 days after the date of enactment of this
3 section, the Secretary, acting through the Director of the
4 Centers for Disease Control and Prevention, shall submit
5 to the Committee on Health, Education, Labor and Pen-
6 sions of the Senate and the Committee on Energy and
7 Commerce of the House of Representatives a coordinated
8 strategy and an accompanying implementation plan that
9 identifies and demonstrates the measures the Secretary
10 will utilize to—

11 “(1) update and improve applicable public
12 health data systems used by the Centers for Disease
13 Control and Prevention; and

14 “(2) carry out the activities described in this
15 section to support the improvement of State, local,
16 Tribal, and territorial public health data systems.

17 “(d) CONSULTATION.—The Secretary, acting
18 through the Director of the Centers for Disease Control
19 and Prevention, shall consult with State, local, Tribal, and
20 territorial health departments, professional medical and
21 public health associations, associations representing hos-
22 pitals or other health care entities, health information
23 technology experts, and other appropriate public or private
24 entities regarding the plan and grant program to mod-
25 ernize public health data systems pursuant to this section.

1 Activities under this subsection may include the provision
2 of technical assistance and training related to the ex-
3 change of information by such public health data systems
4 used by relevant health care and public health entities at
5 the local, State, Federal, Tribal, and territorial levels, and
6 the development and utilization of public-private partner-
7 ships for implementation support applicable to this sec-
8 tion.

9 “(e) REPORT TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this section, the Secretary
11 shall submit a report to the Committee on Health, Edu-
12 cation, Labor and Pensions of the Senate and the Com-
13 mittee on Energy and Commerce of the House of Rep-
14 resentatives that includes—

15 “(1) a description of any barriers to—

16 “(A) public health authorities imple-
17 menting interoperable public health data sys-
18 tems and electronic case reporting;

19 “(B) the exchange of information pursuant
20 to electronic case reporting; or

21 “(C) reporting by health care providers
22 using such public health data systems, as ap-
23 propriate, and pursuant to State law;

24 “(2) an assessment of the potential public
25 health impact of implementing electronic case re-

1 porting and interoperable public health data sys-
2 tems; and

3 “(3) a description of the activities carried out
4 pursuant to this section.

5 “(f) ELECTRONIC CASE REPORTING.—In this sec-
6 tion, the term ‘electronic case reporting’ means the auto-
7 mated identification, generation, and bilateral exchange of
8 reports of health events among electronic health record or
9 health information technology systems and public health
10 authorities.

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
12 carry out this section, there are authorized to be appro-
13 priated \$450,000,000 to remain available until ex-
14 pired.”.

15 PILOT PROGRAM TO IMPROVE LABORATORY

16 INFRASTRUCTURE

17 SEC. 30549.

18 “(a) IN GENERAL.—The Secretary shall award grants
19 to States and political subdivisions of States to support
20 the improvement, renovation, or modernization of infra-
21 structure at clinical laboratories (as defined in section 353
22 of the Public Health Service Act (42 U.S.C. 263a)) that
23 will help to improve SARS–CoV–2 and COVID–19 testing
24 and response activities, including the expansion and en-
25 hancement of testing capacity at such laboratories.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$1,000,000,000 to remain available until expended.

4 CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE,
5 LOCAL, TRIBAL, AND TERRITORIAL HEALTH DE-
6 PARTMENTS

7 SEC. 30550.

8 (a) PROGRAM.—The Secretary, acting through the
9 Director of the Centers for Disease Control and Preven-
10 tion, shall establish a core public health infrastructure
11 program consisting of awarding grants under subsection
12 (b).

13 (b) GRANTS.—

14 (1) AWARD.—For the purpose of addressing
15 core public health infrastructure needs, the Sec-
16 retary—

17 (A) shall award a grant to each State
18 health department; and

19 (B) may award grants on a competitive
20 basis to State, local, Tribal, or territorial health
21 departments.

22 (2) ALLOCATION.—Of the total amount of
23 funds awarded as grants under this subsection for a
24 fiscal year—

1 (A) not less than 50 percent shall be for
2 grants to State health departments under para-
3 graph (1)(A); and

4 (B) not less than 30 percent shall be for
5 grants to State, local, Tribal, or territorial
6 health departments under paragraph (1)(B).

7 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
8 torial health department receiving a grant under sub-
9 section (b) shall use the grant funds to address core public
10 health infrastructure needs, including those identified in
11 the accreditation process under subsection (g).

12 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
13 MENTS.—In making grants under subsection (b)(1)(A),
14 the Secretary shall award funds to each State health de-
15 partment in accordance with—

16 (1) a formula based on population size; burden
17 of preventable disease and disability; and core public
18 health infrastructure gaps, including those identified
19 in the accreditation process under subsection (g);
20 and

21 (2) application requirements established by the
22 Secretary, including a requirement that the State
23 health department submit a plan that demonstrates
24 to the satisfaction of the Secretary that the State's
25 health department will—

1 (A) address its highest priority core public
2 health infrastructure needs; and

3 (B) as appropriate, allocate funds to local
4 health departments within the State.

5 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
6 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In
7 making grants under subsection (b)(1)(B), the Secretary
8 shall give priority to applicants demonstrating core public
9 health infrastructure needs identified in the accreditation
10 process under subsection (g).

11 (f) MAINTENANCE OF EFFORT.—The Secretary may
12 award a grant to an entity under subsection (b) only if
13 the entity demonstrates to the satisfaction of the Sec-
14 retary that—

15 (1) funds received through the grant will be ex-
16 pended only to supplement, and not supplant, non-
17 Federal and Federal funds otherwise available to the
18 entity for the purpose of addressing core public
19 health infrastructure needs; and

20 (2) with respect to activities for which the grant
21 is awarded, the entity will maintain expenditures of
22 non-Federal amounts for such activities at a level
23 not less than the level of such expenditures main-
24 tained by the entity for the fiscal year preceding the
25 fiscal year for which the entity receives the grant.

1 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-
2 ITATION PROGRAM.—

3 (1) IN GENERAL.—The Secretary shall—

4 (A) develop, and periodically review and
5 update, standards for voluntary accreditation of
6 State, local, Tribal, and territorial health de-
7 partments and public health laboratories for the
8 purpose of advancing the quality and perform-
9 ance of such departments and laboratories; and

10 (B) implement a program to accredit such
11 health departments and laboratories in accord-
12 ance with such standards.

13 (2) COOPERATIVE AGREEMENT.—The Secretary
14 may enter into a cooperative agreement with a pri-
15 vate nonprofit entity to carry out paragraph (1).

16 (h) REPORT.—The Secretary shall submit to the Con-
17 gress an annual report on progress being made to accredit
18 entities under subsection (g), including—

19 (1) a strategy, including goals and objectives,
20 for accrediting entities under subsection (g) and
21 achieving the purpose described in subsection
22 (g)(1)(A);

23 (2) identification of gaps in research related to
24 core public health infrastructure; and

1 (3) recommendations of priority areas for such
2 research.

3 (i) DEFINITION.—In this section, the term “core pub-
4 lic health infrastructure” includes—

5 (1) workforce capacity and competency;

6 (2) laboratory systems;

7 (3) testing capacity, including test platforms,
8 mobile testing units, and personnel;

9 (4) health information, health information sys-
10 tems, and health information analysis;

11 (5) disease surveillance;

12 (6) contact tracing;

13 (7) communications;

14 (8) financing;

15 (9) other relevant components of organizational
16 capacity; and

17 (10) other related activities.

18 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this section, there are authorized to be appropriated
20 \$6,000,000,000, to remain available until expended.

21 CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES

22 FOR CDC

23 SEC. 30551.

24 (a) IN GENERAL.—The Secretary, acting through the
25 Director of the Centers for Disease Control and Preven-
26 tion, shall expand and improve the core public health in-

1 frastructure and activities of the Centers for Disease Con-
2 trol and Prevention to address unmet and emerging public
3 health needs.

4 (b) REPORT.—The Secretary shall submit to the Con-
5 gress an annual report on the activities funded through
6 this section.

7 (c) DEFINITION.—In this section, the term “core
8 public health infrastructure” has the meaning given to
9 such term in section 30550.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
11 out this section, there is authorized to be appropriated
12 \$1,000,000,000, to remain available until expended.

13 Subtitle D—COVID–19 National Testing and Contact
14 Tracing Initiative

15 NATIONAL SYSTEM FOR COVID–19 TESTING, CONTACT
16 TRACING, SURVEILLANCE, CONTAINMENT, AND MITI-
17 GATION
18 SEC. 30561.

19 (a) IN GENERAL.—The Secretary, acting through the
20 Director of the Centers for Disease Control and Preven-
21 tion, and in coordination with State, local, Tribal, and ter-
22 ritorial health departments, shall establish and implement
23 a nationwide evidence-based system for—

24 (1) testing, contact tracing, surveillance, con-
25 tainment, and mitigation with respect to COVID–19;

1 (2) offering guidance on voluntary isolation and
2 quarantine of individuals infected with, or exposed to
3 individuals infected with, the virus that causes
4 COVID–19; and

5 (3) public reporting on testing, contact tracing,
6 surveillance, and voluntary isolation and quarantine
7 activities with respect to COVID–19.

8 (b) COORDINATION; TECHNICAL ASSISTANCE.—In
9 carrying out the national system under this section, the
10 Secretary shall—

11 (1) coordinate State, local, Tribal, and terri-
12 torial activities related to testing, contact tracing,
13 surveillance, containment, and mitigation with re-
14 spect to COVID–19, as appropriate; and

15 (2) provide technical assistance for such activi-
16 ties, as appropriate.

17 (c) CONSIDERATION.—In establishing and imple-
18 menting the national system under this section, the Sec-
19 retary shall take into consideration—

20 (1) the State plans referred to in the heading
21 “Public Health and Social Services Emergency
22 Fund” in title I of division B of the Paycheck Pro-
23 tection Program and Health Care Enhancement Act
24 (Public Law 116–139); and

1 (2) the testing strategy submitted under section
2 30541.

3 (d) REPORTING.—The Secretary shall—

4 (1) not later than December 31, 2020, submit
5 to the Committee on Energy and Commerce of the
6 House of Representatives and the Committee on
7 Health, Education, Labor and Pensions a prelimi-
8 nary report on the effectiveness of the activities car-
9 ried out pursuant to this subtitle; and

10 (2) not later than December 21, 2021, submit
11 to such committees a final report on such effective-
12 ness.

13 GRANTS

14 SEC. 30562.

15 (a) IN GENERAL.—To implement the national system
16 under section 30561, the Secretary, acting through the
17 Director of the Centers for Disease Control and Preven-
18 tion, shall, subject to the availability of appropriations,
19 award grants to State, local, Tribal, and territorial health
20 departments that seek grants under this section to carry
21 out coordinated testing, contact tracing, surveillance, con-
22 tainment, and mitigation with respect to COVID–19, in-
23 cluding—

24 (1) diagnostic and surveillance testing and re-
25 porting;

1 (2) community-based contact tracing efforts;
2 and

3 (3) policies related to voluntary isolation and
4 quarantine of individuals infected with, or exposed to
5 individuals infected with, the virus that causes
6 COVID-19.

7 (b) FLEXIBILITY.—The Secretary shall ensure that—

8 (1) the grants under subsection (a) provide
9 flexibility for State, local, Tribal, and territorial
10 health departments to modify, establish, or maintain
11 evidence-based systems; and

12 (2) local health departments receive funding
13 from State health departments or directly from the
14 Centers for Disease Control and Prevention to con-
15 tribute to such systems, as appropriate.

16 (c) ALLOCATIONS.—

17 (1) FORMULA.—The Secretary, acting through
18 the Director of the Centers for Disease Control and
19 Prevention, shall allocate amounts made available
20 pursuant to subsection (a) in accordance with a for-
21 mula to be established by the Secretary that pro-
22 vides a minimum level of funding to each State,
23 local, Tribal, and territorial health department that
24 seeks a grant under this section and allocates addi-
25 tional funding based on the following prioritization:

1 (A) The Secretary shall give highest pri-
2 ority to applicants proposing to serve popu-
3 lations in one or more geographic regions with
4 a high burden of COVID–19 based on data pro-
5 vided by the Centers for Disease Control and
6 Prevention, or other sources as determined by
7 the Secretary.

8 (B) The Secretary shall give second high-
9 est priority to applicants preparing for, or cur-
10 rently working to mitigate, a COVID–19 surge
11 in a geographic region that does not yet have
12 a high number of reported cases of COVID–19
13 based on data provided by the Centers for Dis-
14 ease Control and Prevention, or other sources
15 as determined by the Secretary.

16 (C) The Secretary shall give third highest
17 priority to applicants proposing to serve high
18 numbers of low-income and uninsured popu-
19 lations, including medically underserved popu-
20 lations (as defined in section 330(b)(3) of the
21 Public Health Service Act (42 U.S.C.
22 254b(b)(3))), health professional shortage areas
23 (as defined under section 332(a) of the Public
24 Health Service Act (42 U.S.C. 254e(a))), racial

1 and ethnic minorities, or geographically diverse
2 areas, as determined by the Secretary.

3 (2) NOTIFICATION.—Not later than the date
4 that is one week before first awarding grants under
5 this section, the Secretary shall submit to the Com-
6 mittee on Energy and Commerce of the House of
7 Representatives and the Committee on Health, Edu-
8 cation, Labor and Pensions of the Senate a notifica-
9 tion detailing the formula established under para-
10 graph (1) for allocating amounts made available pur-
11 suant to subsection (a).

12 (d) USE OF FUNDS.—A State, local, Tribal, and ter-
13 ritorial health department receiving a grant under this
14 section shall, to the extent possible, use the grant funds
15 for the following activities, or other activities deemed ap-
16 propriate by the Director of the Centers for Disease Con-
17 trol and Prevention:

18 (1) TESTING.—To implement a coordinated
19 testing system that—

20 (A) leverages or modernizes existing test-
21 ing infrastructure and capacity;

22 (B) is consistent with the updated testing
23 strategy required under section 30541;

24 (C) is coordinated with the State plan for
25 COVID–19 testing prepared as required under

1 the heading “Department of Health and
2 Human Services—Office of the Secretary—
3 Public Health and Social Service Emergency
4 Fund” in title I of division B of the Paycheck
5 Protection Program and Health Care Enhance-
6 ment Act (Public Law 116–139; 134 Stat. 620,
7 624);

8 (D) is informed by contact tracing and
9 surveillance activities under this subtitle;

10 (E) is informed by guidelines established
11 by the Centers for Disease Control and Preven-
12 tion for which populations should be tested;

13 (F) identifies how diagnostic and sero-
14 logical tests in such system shall be validated
15 prior to use;

16 (G) identifies how diagnostic and sero-
17 logical tests and testing supplies will be distrib-
18 uted to implement such system;

19 (H) identifies specific strategies for ensur-
20 ing testing capabilities and accessibility in
21 medically underserved populations (as defined
22 in section 330(b)(3) of the Public Health Serv-
23 ice Act (42 U.S.C. 254b(b)(3))), health profes-
24 sional shortage areas (as defined under section
25 332(a) of the Public Health Service Act (42

1 U.S.C. 254e(a))), racial and ethnic minority
2 populations, and geographically diverse areas,
3 as determined by the Secretary;

4 (I) identifies how testing may be used, and
5 results may be reported, in both health care set-
6 tings (such as hospitals, laboratories for mod-
7 erate or high-complexity testing, pharmacies,
8 mobile testing units, and community health cen-
9 ters) and non-health care settings (such as
10 workplaces, schools, childcare centers, or drive-
11 throughs);

12 (J) allows for testing in sentinel surveil-
13 lance programs, as appropriate; and

14 (K) supports the procurement and dis-
15 tribution of diagnostic and serological tests and
16 testing supplies to meet the goals of the system.

17 (2) CONTACT TRACING.—To implement a co-
18 ordinated contact tracing system that—

19 (A) leverages or modernizes existing con-
20 tact tracing systems and capabilities, including
21 community health workers, health departments,
22 and Federally qualified health centers;

23 (B) is able to investigate cases of COVID-
24 19, and help to identify other potential cases of

1 COVID–19, through tracing contacts of individ-
2 uals with positive diagnoses;

3 (C) establishes culturally competent and
4 multilingual strategies for contact tracing,
5 which may include consultation with and sup-
6 port for cultural or civic organizations with es-
7 tablished ties to the community;

8 (D) provides individuals identified under
9 the contact tracing program with information
10 and support for containment or mitigation;

11 (E) enables State, local, Tribal, and terri-
12 torial health departments to work with a non-
13 governmental, community partner or partners
14 and State and local workforce development sys-
15 tems (as defined in section 3(67) of Workforce
16 Innovation and Opportunity Act (29 U.S.C.
17 3102(67))) receiving grants under section
18 30566(b) of this Act to hire and compensate a
19 locally-sourced contact tracing workforce, if
20 necessary, to supplement the public health
21 workforce, to—

22 (i) identify the number of contact
23 tracers needed for the respective State, lo-
24 cality, territorial, or Tribal health depart-
25 ment to identify all cases of COVID–19

1 currently in the jurisdiction and those an-
2 ticipated to emerge over the next 18
3 months in such jurisdiction;

4 (ii) outline qualifications necessary for
5 contact tracers;

6 (iii) train the existing and newly hired
7 public health workforce on best practices
8 related to tracing close contacts of individ-
9 uals diagnosed with COVID–19, including
10 the protection of individual privacy and cy-
11 bersecurity protection; and

12 (iv) equip the public health workforce
13 with tools and resources to enable a rapid
14 response to new cases;

15 (F) identifies the level of contact tracing
16 needed within the State, locality, territory, or
17 Tribal area to contain and mitigate the trans-
18 mission of COVID–19;

19 (G) establishes statewide mechanisms to
20 integrate regular evaluation to the Centers for
21 Disease Control and Prevention regarding con-
22 tact tracing efforts, makes such evaluation pub-
23 licly available, and to the extent possible pro-
24 vides for such evaluation at the county level;
25 and

1 (H) identifies specific strategies for ensur-
2 ing contact tracing activities in medically un-
3 derserved populations (as defined in section
4 330(b)(3) of the Public Health Service Act (42
5 U.S.C. 254b(b)(3))), health professional short-
6 age areas (as defined under section 332(a) of
7 the Public Health Service Act (42 U.S.C.
8 254e(a))), racial and ethnic minority popu-
9 lations, and geographically diverse areas, as de-
10 termined by the Secretary.

11 (3) SURVEILLANCE.—To strengthen the exist-
12 ing public health surveillance system that—

13 (A) leverages or modernizes existing sur-
14 veillance systems within the respective State,
15 local, Tribal, or territorial health department
16 and national surveillance systems;

17 (B) detects and identifies trends in
18 COVID–19 at the county level;

19 (C) evaluates State, local, Tribal, and ter-
20 ritorial health departments in achieving surveil-
21 lance capabilities with respect to COVID–19;

22 (D) integrates and improves disease sur-
23 veillance and immunization tracking; and

24 (E) identifies specific strategies for ensur-
25 ing disease surveillance in medically under-

1 served populations (as defined in section
2 330(b)(3) of the Public Health Service Act (42
3 U.S.C. 254b(b)(3))), health professional short-
4 age areas (as defined under section 332(a) of
5 the Public Health Service Act (42 U.S.C.
6 254e(a))), racial and ethnic minority popu-
7 lations, and geographically diverse areas, as de-
8 termined by the Secretary.

9 (4) CONTAINMENT AND MITIGATION.—To im-
10 plement a coordinated containment and mitigation
11 system that—

12 (A) leverages or modernizes existing con-
13 tainment and mitigation strategies within the
14 respective State, local, Tribal, or territorial gov-
15 ernments and national containment and mitiga-
16 tion strategies;

17 (B) may provide for, connect to, and lever-
18 age existing social services and support for indi-
19 viduals who have been infected with or exposed
20 to COVID–19 and who are isolated or quar-
21 antined in their homes, such as through—

22 (i) food assistance programs;

23 (ii) guidance for household infection
24 control;

1 (iii) information and assistance with
2 childcare services; and

3 (iv) information and assistance per-
4 taining to support available under the
5 CARES Act (Public Law 116–136) and
6 this Act;

7 (C) provides guidance on the establishment
8 of safe, high-quality, facilities for the voluntary
9 isolation of individuals infected with, or quar-
10 antine of the contacts of individuals exposed to
11 COVID–19, where hospitalization is not re-
12 quired, which facilities should—

13 (i) be prohibited from making inquir-
14 ies relating to the citizenship status of an
15 individual isolated or quarantined; and

16 (ii) be operated by a non-Federal,
17 community partner or partners that—

18 (I) have previously established re-
19 lationships in localities;

20 (II) work with local places of
21 worship, community centers, medical
22 facilities, and schools to recruit local
23 staff for such facilities; and

1 (III) are fully integrated into
2 State, local, Tribal, or territorial con-
3 tainment and mitigation efforts; and

4 (D) identifies specific strategies for ensur-
5 ing containment and mitigation activities in
6 medically underserved populations (as defined
7 in section 330(b)(3) of the Public Health Serv-
8 ice Act (42 U.S.C. 254b(b)(3))), health profes-
9 sional shortage areas (as defined under section
10 332(a) of the Public Health Service Act (42
11 U.S.C. 254e(a))), racial and ethnic minority
12 populations, and geographically diverse areas,
13 as determined by the Secretary.

14 (e) REPORTING.—The Secretary shall facilitate
15 mechanisms for timely, standardized reporting by grantees
16 under this section regarding implementation of the sys-
17 tems established under this section and coordinated proc-
18 esses with the reporting as required and under the heading
19 “Department of Health and Human Services—Office of
20 the Secretary—Public Health and Social Service Emer-
21 gency Fund” in title I of division B of the Paycheck Pro-
22 tection Program and Health Care Enhancement Act (Pub-
23 lic Law 116–139, 134 Stat. 620), including—

24 (1) a summary of county or local health depart-
25 ment level information from the States receiving

1 funding, and information from directly funded local-
2 ities, territories, and Tribal entities, about the activi-
3 ties that will be undertaken using funding awarded
4 under this section, including subgrants;

5 (2) any anticipated shortages of required mate-
6 rials for testing for COVID–19 under subsection (a);
7 and

8 (3) other barriers in the prevention, mitigation,
9 or treatment of COVID–19 under this section.

10 (f) PUBLIC LISTING OF AWARDS.—The Secretary
11 shall—

12 (1) not later than 7 days after first awarding
13 grants under this section, post in a searchable, elec-
14 tronic format a list of all awards made by the Sec-
15 retary under this section, including the recipients
16 and amounts of such awards; and

17 (2) update such list not less than every 7 days
18 until all funds made available to carry out this sec-
19 tion are expended.

20 GUIDANCE, TECHNICAL ASSISTANCE, INFORMATION, AND
21 COMMUNICATION

22 SEC. 30563.

23 (a) IN GENERAL.— Not later than 14 days after the
24 date of the enactment of this Act, the Secretary, in coordi-
25 nation with other Federal agencies, as appropriate, shall
26 issue guidance, provide technical assistance, and provide

1 information to States, localities, Tribes, and territories,
2 with respect to the following:

3 (1) The diagnostic and serological testing of in-
4 dividuals identified through contact tracing for
5 COVID–19, including information with respect to
6 the reduction of duplication related to programmatic
7 activities, reporting, and billing.

8 (2) Best practices regarding contact tracing, in-
9 cluding the collection of data with respect to such
10 contact tracing and requirements related to the
11 standardization of demographic and syndromic infor-
12 mation collected as part of contact tracing efforts.

13 (3) Best practices regarding COVID–19 disease
14 surveillance, including best practices to reduce dupli-
15 cation in surveillance activities, identifying gaps in
16 surveillance and surveillance systems, and ways in
17 which the Secretary plans to effectively support
18 State, local, Tribal and territorial health depart-
19 ments in addressing such gaps.

20 (4) Information on ways for State, local, Tribal,
21 and territorial health departments to establish and
22 maintain the testing, contact tracing, and surveil-
23 lance activities described in paragraphs (1) through
24 (3).

1 (5) The protection of any personally identifiable
2 health information collected pursuant to this sub-
3 title.

4 (6) Best practices regarding privacy and cyber-
5 security protection related to contact tracing, con-
6 tainment, and mitigation efforts.

7 (b) GUIDANCE ON PAYMENT.—Not later than 14
8 days after the date of the enactment of this Act, the Sec-
9 retary, in coordination with the Administrator of the Cen-
10 ters for Medicare & Medicaid Services, the Director of the
11 Centers for Disease Control and Prevention, and in coordi-
12 nation with other Federal agencies, as appropriate, shall
13 develop and issue to State, local, Tribal, and territorial
14 health departments clear guidance and policies—

15 (1) with respect to the coordination of claims
16 submitted for payment out of the Public Health and
17 Social Services Emergency Fund for services fur-
18 nished in a facility referred to in section
19 30562(d)(4)(C);

20 (2) identifying how an individual who is isolated
21 or quarantined at home or in such a facility—

22 (A) incurs no out-of-pocket costs for any
23 services furnished to such individual while iso-
24 lated; and

1 (B) may receive income support for lost
2 earnings or payments for expenses such as child
3 care or elder care while such individual is iso-
4 lated at home or in such a facility;

5 (3) providing information and assistance per-
6 taining to support available under the CARES Act
7 (Public Law 116–136) and this Act; and

8 (4) identifying State, local, Tribal, and terri-
9 torial health departments or partner agencies that
10 may provide social support services, such as gro-
11 ceries or meals, health education, internet access,
12 and behavioral health services, to individuals who
13 isolated or quarantined at home or in such a facility.

14 (c) GUIDANCE ON TESTING.—Not later than 14 days
15 after the date of the enactment of this Act, the Secretary,
16 in coordination with the Commissioner of Food and
17 Drugs, the Director of the National Institutes of Health,
18 and the Director of the Centers for Disease Control and
19 Prevention, and in coordination with other Federal agen-
20 cies as appropriate, shall develop and issue to State, local,
21 Tribal, and territorial health departments clear guidance
22 and policies regarding—

23 (1) objective standards to characterize the per-
24 formance of all diagnostic and serological tests for

1 COVID–19 in order to independently evaluate tests
2 continuously over time;

3 (2) protocols for the evaluation of the perform-
4 ance of diagnostic and serological tests for COVID–
5 19; and

6 (3) a repository of characterized specimens to
7 use to evaluate the performance of those tests that
8 can be made available for appropriate entities to use
9 to evaluate performance.

10 (d) COMMUNICATION.—The Secretary shall identify
11 and publicly announce the form and manner for commu-
12 nication with State, local, Tribal, and territorial health de-
13 partments for purposes of carrying out the activities ad-
14 dressed by guidance issued under subsections (a) and (b).

15 (e) AVAILABILITY TO PROVIDERS.—Guidance issued
16 under subsection (a)(1) shall be issued to health care pro-
17 viders.

18 (f) ONGOING PROVISION OF GUIDANCE AND TECH-
19 NICAL ASSISTANCE.—Notwithstanding whether funds are
20 available specifically to carry out this subtitle, guidance
21 and technical assistance shall continue to be provided
22 under this section.

23 RESEARCH AND DEVELOPMENT

24 SEC. 30564.

25 The Secretary, in coordination with the Director of
26 the Centers for Disease Control and Prevention and in col-

1 laboration with the Director of the National Institutes of
2 Health, the Director of the Agency for Healthcare Re-
3 search and Quality, the Commissioner of Food and Drugs,
4 and the Administrator of the Centers for Medicare & Med-
5 icaid Services, shall support research and development on
6 more efficient and effective strategies—

7 (1) for the surveillance of SARS-CoV-2 and
8 COVID-19;

9 (2) for the testing and identification of individ-
10 uals infected with COVID-19; and

11 (3) for the tracing of contacts of individuals in-
12 fected with COVID-19.

13 AWARENESS CAMPAIGNS

14 SEC. 30565.

15 The Secretary, acting through the Director of the
16 Centers for Disease Control and Prevention and in coordi-
17 nation with other offices and agencies, as appropriate,
18 shall award competitive grants or contracts to one or more
19 public or private entities, including faith-based organiza-
20 tions, to carry out multilingual and culturally appropriate
21 awareness campaigns. Such campaigns shall—

22 (1) be based on available scientific evidence;

23 (2) increase awareness and knowledge of
24 COVID-19, including countering stigma associated
25 with COVID-19;

1 (3) improve information on the availability of
2 COVID–19 diagnostic testing; and

3 (4) promote cooperation with contact tracing ef-
4 forts.

5 GRANTS TO STATE AND TRIBAL WORKFORCE AGENCIES

6 SEC. 30566.

7 (a) DEFINITIONS.—In this section:

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided, the terms in this section have the meanings
10 given the terms in section 3 of the Workforce Inno-
11 vation and Opportunity Act (29 U.S.C. 3102).

12 (2) APPRENTICESHIP; APPRENTICESHIP PRO-
13 GRAM.—The term “apprenticeship” or “apprentice-
14 ship program” means an apprenticeship program
15 registered under the Act of August 16, 1937 (com-
16 monly known as the “National Apprenticeship Act”)
17 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),
18 including any requirement, standard, or rule promul-
19 gated under such Act, as such requirement, stand-
20 ard, or rule was in effect on December 30, 2019.

21 (3) CONTACT TRACING AND RELATED POSI-
22 TIONS.—The term “contact tracing and related posi-
23 tions” means employment related to contact tracing,
24 surveillance, containment, and mitigation activities
25 as described in paragraphs (2), (3), and (4) of sec-
26 tion 30562(d).

1 (4) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State or territory, including the Dis-
4 trict of Columbia and Puerto Rico;

5 (B) an Indian Tribe, Tribal organization,
6 Alaska Native entity, Indian-controlled organi-
7 zations serving Indians, or Native Hawaiian or-
8 ganizations;

9 (C) an outlying area; or

10 (D) a local board, if an eligible entity
11 under subparagraphs (A) through (C) has not
12 applied with respect to the area over which the
13 local board has jurisdiction as of the date on
14 which the local board submits an application
15 under subsection (c).

16 (5) ELIGIBLE INDIVIDUAL.—Notwithstanding
17 section 170(b)(2) of the Workforce Innovation and
18 Opportunity Act (29 U.S.C. 3225(b)(2)), the term
19 “eligible individual” means an individual seeking or
20 securing employment in contact tracing or related
21 positions and is served by an eligible entity or com-
22 munity-based organization receiving funding under
23 this section.

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of Labor.

1 (b) GRANTS.—

2 (1) IN GENERAL.—Subject to the availability of
3 appropriations under subsection (g), the Secretary
4 shall award national dislocated worker grants under
5 section 170(b)(1)(B) of the Workforce Innovation
6 and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to
7 each eligible entity that seeks a grant to assist local
8 boards and community-based organizations in car-
9 rying out activities under subsections (f) and (d), re-
10 spectively, for the following purposes:

11 (A) To support the recruitment, place-
12 ment, and training, as applicable, of eligible in-
13 dividuals seeking employment in contact tracing
14 and related positions in accordance with the na-
15 tional system for COVID–19 testing, contact
16 tracing, surveillance, containment, and mitiga-
17 tion established under section 30561.

18 (B) To assist with the employment transi-
19 tion to new employment or education and train-
20 ing of individuals employed under this section
21 in preparation for and upon termination of such
22 employment.

23 (2) TIMELINE.—The Secretary of Labor shall—

1 (A) issue application requirements under
2 subsection (c) not later than 10 days after the
3 date of enactment of this section; and

4 (B) award grants to an eligible entity
5 under paragraph (1) not later than 10 days
6 after the date on which the Secretary receives
7 an application from such entity.

8 (c) GRANT APPLICATION.—An eligible entity apply-
9 ing for a grant under this section shall submit an applica-
10 tion to the Secretary, at such time and in such form and
11 manner as the Secretary may reasonably require, which
12 shall include a description of—

13 (1) how the eligible entity will support the re-
14 cruitment, placement, and training, as applicable, of
15 eligible individuals seeking employment in contact
16 tracing and related positions by partnering with—

17 (A) a State, local, Tribal, or territorial
18 health department; or

19 (B) one or more nonprofit or community-
20 based organizations partnering with such health
21 departments;

22 (2) how the activities described in paragraph
23 (1) will support State efforts to address the demand
24 for contact tracing and related positions with respect
25 to—

1 (A) the State plans referred to in the head-
2 ing “Public Health and Social Services Emer-
3 gency Fund” in title I of division B of the Pay-
4 check Protection Program and Health Care En-
5 hancement Act (Public Law 116–139);

6 (B) the testing strategy submitted under
7 section 30541; and

8 (C) the number of eligible individuals that
9 the State plans to recruit and train under the
10 plans and strategies described in subparagraphs
11 (A) and (B);

12 (3) the specific strategies for recruiting and
13 placement of eligible individuals from or residing
14 within the communities in which they will work, in-
15 cluding—

16 (A) plans for the recruitment of eligible in-
17 dividuals to serve as contact tracers and related
18 positions, including dislocated workers, individ-
19 uals with barriers to employment, veterans, new
20 entrants in the workforce, or underemployed or
21 furloughed workers, who are from or reside in
22 or near the local area in which they will serve,
23 and who, to the extent practicable—

24 (i) have experience or a background in
25 industry-sectors and occupations such as

1 public health, social services, customer
2 service, case management, or occupations
3 that require related qualifications, skills, or
4 competencies, such as strong interpersonal
5 and communication skills, needed for con-
6 tact tracing or related positions, as de-
7 scribed in section 30562(d)(2)(E)(ii); or

8 (ii) seek to transition to public health
9 and public health related occupations upon
10 the conclusion of employment in contact
11 tracing or related positions; and

12 (B) how such strategies will take into ac-
13 count the diversity of such community, includ-
14 ing racial, ethnic, socioeconomic, linguistic, or
15 geographic diversity;

16 (4) the amount, timing, and mechanisms for
17 distribution of funds provided to local boards or
18 through subgrants as described in subsection (d);

19 (5) for eligible entities described in subpara-
20 graphs (A) through (C) of subsection (a)(4), a de-
21 scription of how the eligible entity will ensure the eq-
22 uitable distribution of funds with respect to—

23 (A) geography (such as urban and rural
24 distribution);

1 (B) medically underserved populations (as
2 defined in section 33(b)(3) of the Public Health
3 Service Act (42 U.S.C. 254b(b)));

4 (C) health professional shortage areas (as
5 defined under section 332(a) of the Public
6 Health Service Act (42 U.S.C. 254e(a))); and

7 (D) the racial and ethnic diversity of the
8 area; and

9 (6) for eligible entities who are local boards, a
10 description of how a grant to such eligible entity
11 would serve the equitable distribution of funds as de-
12 scribed in paragraph (5).

13 (d) SUBGRANT AUTHORIZATION AND APPLICATION
14 PROCESS.—

15 (1) IN GENERAL.—An eligible entity may award
16 a subgrant to one or more community-based organi-
17 zations for the purposes of partnering with a State
18 or local board to conduct outreach and education ac-
19 tivities to inform potentially eligible individuals
20 about employment opportunities in contact tracing
21 and related positions.

22 (2) APPLICATION.—A community-based organi-
23 zation shall submit an application at such time and
24 in such manner as the eligible entity may reasonably
25 require, including—

1 (A) a demonstration of the community-
2 based organization's established expertise and
3 effectiveness in community outreach in the local
4 area that such organization plans to serve;

5 (B) a demonstration of the community-
6 based organization's expertise in providing em-
7 ployment or public health information to the
8 local areas in which such organization plans to
9 serve; and

10 (C) a description of the expertise of the
11 community-based organization in utilizing cul-
12 turally competent and multilingual strategies in
13 the provision of services.

14 (e) GRANT DISTRIBUTION.—

15 (1) FEDERAL DISTRIBUTION.—

16 (A) USE OF FUNDS.— The Secretary of
17 Labor shall use the funds appropriated to carry
18 out this section as follows:

19 (i) Subject to clause (ii), the Secretary
20 shall distribute funds among eligible enti-
21 ties in accordance with a formula to be es-
22 tablished by the Secretary that provides a
23 minimum level of funding to each eligible
24 entity that seeks a grant under this section
25 and allocates additional funding as follows:

1 (I) The formula shall give first
2 priority based on the number and pro-
3 portion of contact tracing and related
4 positions that the State plans to re-
5 cruit, place, and train individuals as a
6 part of the State strategy described in
7 subsection (c)(2)(A).

8 (II) Subject to subclause (I), the
9 formula shall give priority in accord-
10 ance with section 30562(c).

11 (ii) Not more than 2 percent of the
12 funding for administration of the grants
13 and for providing technical assistance to
14 recipients of funds under this section.

15 (B) **EQUITABLE DISTRIBUTION.**—If the ge-
16 ographic region served by one or more eligible
17 entities overlaps, the Secretary shall distribute
18 funds among such entities in such a manner
19 that ensures equitable distribution with respect
20 to the factors under subsection (c)(5).

21 (2) **ELIGIBLE ENTITY USE OF FUNDS.**—An eli-
22 gible entity described in subparagraphs (A) through
23 (C) of subsection (a)(4)—

24 (A) shall, not later than 30 days after the
25 date on which the entity receives grant funds

1 under this section, provide not less than 70 per-
2 cent of grant funds to local boards for the pur-
3 pose of carrying out activities in subsection (f);

4 (B) may use up to 20 percent of such
5 funds to make subgrants to community-based
6 organizations in the service area to conduct out-
7 reach, to potential eligible individuals, as de-
8 scribed in subsection (d);

9 (C) in providing funds to local boards and
10 awarding subgrants under this subsection shall
11 ensure the equitable distribution with respect to
12 the factors described in subsection (c)(5); and

13 (D) may use not more than 10 percent of
14 the funds awarded under this section for the
15 administrative costs of carrying out the grant
16 and for providing technical assistance to local
17 boards and community-based organizations.

18 (3) LOCAL BOARD USE OF FUNDS.—A local
19 board, or an eligible entity that is a local board,
20 shall use—

21 (A) not less than 60 percent of the funds
22 for recruitment and training for COVID-19
23 testing, contact tracing, surveillance, contain-
24 ment, and mitigation established under section
25 30561;

1 (B) not less than 30 of the funds to sup-
2 port the transition of individuals hired as con-
3 tact tracers and related positions into an edu-
4 cation or training program, or unsubsidized em-
5 ployment upon completion of such positions;
6 and

7 (C) not more than 10 percent of the funds
8 for administrative costs.

9 (f) ELIGIBLE ACTIVITIES.—The State or local boards
10 shall use funds awarded under this section to support the
11 recruitment and placement of eligible individuals, training
12 and employment transition as related to contact tracing
13 and related positions, and for the following activities:

14 (1) Establishing or expanding partnerships
15 with—

16 (A) State, local, Tribal, and territorial
17 public health departments;

18 (B) community-based health providers, in-
19 cluding community health centers and rural
20 health clinics;

21 (C) labor organizations or joint labor man-
22 agement organizations;

23 (D) two-year and four-year institutions of
24 higher education (as defined in section 101 of
25 the Higher Education Act of 1965 (20 U.S.C.

1 1001)), including institutions eligible to receive
2 funds under section 371(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1067q(a)); and

4 (E) community action agencies or other
5 community-based organizations serving local
6 areas in which there is a demand for contact
7 tracers and related positions.

8 (2) Providing training for contact tracing and
9 related positions in coordination with State, local,
10 Tribal, or territorial health departments that is con-
11 sistent with the State or territorial testing and con-
12 tact tracing strategy and ensuring that eligible indi-
13 viduals receive compensation while participating in
14 such training.

15 (3) Providing eligible individuals with—

16 (A) adequate and safe equipment, environ-
17 ments, and facilities for training and super-
18 vision, as applicable;

19 (B) information regarding the wages and
20 benefits related to contact tracing and related
21 positions, as compared to State, local, and na-
22 tional averages;

23 (C) supplies and equipment needed by the
24 program participants to support placement of

1 an individual in contact tracing and related po-
2 sitions, as applicable;

3 (D) an individualized employment plan for
4 each eligible individual, as applicable—

5 (i) in coordination with the entity em-
6 ploying the eligible individual in a contact
7 tracing or related position; and

8 (ii) which shall include providing a
9 case manager to work with each eligible in-
10 dividual to develop the plan, which may in-
11 clude—

12 (I) identifying employment and
13 career goals, and setting appropriate
14 achievement objectives to attain such
15 goals; and

16 (II) exploring career pathways
17 that lead to in-demand industries and
18 sectors, including in public health and
19 related occupations; and

20 (E) services for the period during which
21 the individual is employed in a contact tracing
22 and related position to ensure job retention,
23 which may include—

24 (i) supportive services throughout the
25 term of employment;

1 (ii) a continuation of skills training as
2 related to employment as a contact tracer
3 or related positions, that is conducted in
4 collaboration with the employers of such
5 participants;

6 (iii) mentorship services and job re-
7 tention support for eligible individuals; or

8 (iv) targeted training for managers
9 and workers working with eligible individ-
10 uals (such as mentors), and human re-
11 source representatives;

12 (4) Supporting the transition and placement in
13 unsubsidized employment for eligible individuals
14 serving in the contact tracing or related positions
15 after such positions are no longer necessary in the
16 State or local area, including—

17 (A) any additional training and employ-
18 ment activities as described in section 170(d)(4)
19 of the Workforce Innovation and Opportunity
20 Act (29 U.S.C. 3225(d)(4));

21 (B) developing the appropriate combina-
22 tion of services to enable the eligible individual
23 to achieve the employment and career goals
24 identified under paragraph (3)(D)(ii)(I); and

1 (C) services to assist eligible individuals in
2 maintaining employment for not less than 12
3 months after the completion of employment in
4 contact tracing or related positions, as appro-
5 priate.

6 (5) Any other activities as described in sub-
7 sections (a)(3) and (b) of section 134 of the Work-
8 force Innovation and Opportunity Act (29 U.S.C.
9 3174).

10 (g) LIMITATION.—Notwithstanding section
11 170(d)(3)(A) of the Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be
13 employed in a contact tracing or related position using
14 funds under this section for a period not greater than 2
15 years.

16 (h) REPORTING BY THE DEPARTMENT OF LABOR.—

17 (1) IN GENERAL.—Not later than 120 days of
18 the enactment of this Act, and once grant funds
19 have been expended under this section, the Secretary
20 shall report to the Committee on Education and
21 Labor of the House of Representatives and the Com-
22 mittee on Health, Education, Labor and Pensions of
23 the Senate, and make publicly available a report
24 containing a description of—

1 (A) the number of eligible individuals re-
2 cruited, hired, and trained as contract tracers
3 and related positions;

4 (B) the number of individuals successfully
5 transitioned to unsubsidized employment or
6 training at the completion of employment in
7 contact tracing or related positions using funds
8 under this subtitle;

9 (C) the number of such individuals who
10 were unemployed prior to being hired, trained,
11 or deployed as described in paragraph (1);

12 (D) the performance of each program sup-
13 ported by funds under this subtitle with respect
14 to the indicators of performance under section
15 116 of the Workforce Innovation and Oppor-
16 tunity Act (29 U.S.C. 3141), as applicable;

17 (E) the number of individuals in unsub-
18 sidized employment within six months and 1
19 year, respectively, of the conclusion of employ-
20 ment in contact tracing or related positions
21 and, of those, the number of individuals within
22 a State, territorial, or local public health de-
23 partment in an occupation related to public
24 health;

1 (F) any information on how eligible enti-
2 ties, local boards, or community-based organiza-
3 tions that received funding under this sub-
4 section were able to support the goals of the na-
5 tional system for COVID–19 testing, contact
6 tracing, surveillance, containment, and mitiga-
7 tion established under section 30561 of this
8 Act; and

9 (G) best practices for improving and in-
10 creasing the transition of individuals employed
11 in contract tracing or related positions to per-
12 manent, full-time employment.

13 (2) DISAGGREGATION.—All data reported under
14 paragraph (1) shall be disaggregated by race, eth-
15 nicity, sex, age, and, with respect to individuals with
16 barriers to employment, subpopulation of such indi-
17 viduals, except for when the number of participants
18 in a category is insufficient to yield statistically reli-
19 able information or when the results would reveal
20 personally identifiable information about an indi-
21 vidual participant.

22 (i) SPECIAL RULE.—Any funds used for programs
23 under this section that are used to fund an apprenticeship
24 or apprenticeship program shall only be used for, or pro-
25 vided to, an apprenticeship or apprenticeship program

1 that meets the definition of such term subsection (a) of
2 this section, including any funds awarded for the purposes
3 of grants, contracts, or cooperative agreements, or the de-
4 velopment, implementation, or administration, of an ap-
5 prenticeship or an apprenticeship program.

6 (j) INFORMATION SHARING REQUIREMENT FOR
7 HHS.—The Secretary of Health and Human Services,
8 acting through the Director of the Centers for Disease
9 Control and Prevention, shall provide the Secretary of
10 Labor, acting through the Assistant Secretary of the Em-
11 ployment and Training Administration, with information
12 on grants under section 30562, including—

13 (1) the formula used to award such grants to
14 State, local, Tribal, and territorial health depart-
15 ments;

16 (2) the dollar amounts of and scope of the work
17 funded under such grants;

18 (3) the geographic areas served by eligible enti-
19 ties that receive such grants; and

20 (4) the number of contact tracers and related
21 positions to be hired using such grants.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—Of the
23 amounts appropriated to carry out this subtitle,
24 \$500,000,000 shall be used by the Secretary of Labor to
25 carry out subsections (a) through (h) of this section.

1 APPLICATION OF THE SERVICE CONTRACT ACT TO
2 CONTRACTS AND GRANTS
3 SEC. 30567.

4 Contracts and grants which include contact tracing
5 as part of the scope of work and that are awarded under
6 this subtitle shall require that contract tracers and related
7 positions are paid not less than the prevailing wage and
8 fringe rates required under chapter 67 of title 41, United
9 States Code (commonly known as the “Service Contract
10 Act”) for the area in which the work is performed. To
11 the extent that a nonstandard wage determination is re-
12 quired to establish a prevailing wage for contact tracers
13 and related positions for purposes of this subtitle, the Sec-
14 retary of Labor shall issue such determination not later
15 than 14 days after the date of enactment of this Act,
16 based on a job description used by the Centers for Disease
17 Control and Prevention and contractors or grantees per-
18 forming contact tracing for State public health agencies.

19 AUTHORIZATION OF APPROPRIATIONS
20 SEC. 30568.

21 To carry out this subtitle, there are authorized to be
22 appropriated \$75,000,000,000, to remain available until
23 expended.

1 Subtitle E—Demographic Data and Supply Reporting
2 Related to COVID–19

3 COVID–19 REPORTING PORTAL

4 SEC. 30571.

5 (a) IN GENERAL.—Not later than 15 days after the
6 date of enactment of this Act, the Secretary shall establish
7 and maintain an online portal for use by eligible health
8 care entities to track and transmit data regarding their
9 personal protective equipment and medical supply inven-
10 tory and capacity related to COVID–19.

11 (b) ELIGIBLE HEALTH CARE ENTITIES.—In this sec-
12 tion, the term “eligible health care entity” means a li-
13 censed acute care hospital, hospital system, or long-term
14 care facility with confirmed cases of COVID–19.

15 (c) SUBMISSION.—An eligible health care entity shall
16 report using the portal under this section on a biweekly
17 basis in order to assist the Secretary in tracking usage
18 and need of COVID–related supplies and personnel in a
19 regular and real-time manner.

20 (d) INCLUDED INFORMATION.—The Secretary shall
21 design the portal under this section to include information
22 on personal protective equipment and medical supply in-
23 ventory and capacity related to COVID–19, including with
24 respect to the following:

1 (1) PERSONAL PROTECTIVE EQUIPMENT.—

2 Total personal protective equipment inventory, in-
3 cluding, in units, the numbers of N95 masks and
4 authorized equivalent respirator masks, surgical
5 masks, exam gloves, face shields, isolation gowns,
6 and coveralls.

7 (2) MEDICAL SUPPLY.—

8 (A) Total ventilator inventory, including, in
9 units, the number of universal, adult, pediatric,
10 and infant ventilators.

11 (B) Total diagnostic and serological test
12 inventory, including, in units, the number of
13 test platforms, tests, test kits, reagents, trans-
14 port media, swabs, and other materials or sup-
15 plies determined necessary by the Secretary.

16 (3) CAPACITY.—

17 (A) Case count measurements, including
18 confirmed positive cases and persons under in-
19 vestigation.

20 (B) Total number of staffed beds, includ-
21 ing medical surgical beds, intensive care beds,
22 and critical care beds.

23 (C) Available beds, including medical sur-
24 gical beds, intensive care beds, and critical care
25 beds.

1 (D) Total number of COVID–19 patients
2 currently utilizing a ventilator.

3 (E) Average number of days a COVID–19
4 patient is utilizing a ventilator.

5 (F) Total number of additionally needed
6 professionals in each of the following categories:
7 intensivists, critical care physicians, respiratory
8 therapists, registered nurses, certified registered
9 nurse anesthetists, and laboratory personnel.

10 (G) Total number of hospital personnel
11 currently not working due to self-isolation fol-
12 lowing a known or presumed COVID–19 expo-
13 sure.

14 (e) ACCESS TO INFORMATION RELATED TO INVEN-
15 TORY AND CAPACITY.—The Secretary shall ensure that
16 relevant agencies and officials, including the Centers for
17 Disease Control and Prevention, the Assistant Secretary
18 for Preparedness and Response, and the Federal Emer-
19 gency Management Agency, have access to information re-
20 lated to inventory and capacity submitted under this sec-
21 tion.

22 (f) WEEKLY REPORT TO CONGRESS.—On a weekly
23 basis, the Secretary shall transmit information related to
24 inventory and capacity submitted under this section to the
25 appropriate committees of the House and Senate.

1 REGULAR CDC REPORTING ON DEMOGRAPHIC DATA

2 SEC. 30572.

3 Not later than 14 days after the date of enactment
4 of this Act, the Secretary, in coordination with the Direc-
5 tor of the Centers for Disease Control and Prevention,
6 shall amend the reporting under the heading “Department
7 of Health and Human Services—Office of the Secretary—
8 Public Health and Social Service Emergency Fund” in
9 title I of division B of the Paycheck Protection Program
10 and Health Care Enhancement Act (Public Law 116–139;
11 134 Stat. 620, 626) on the demographic characteristics,
12 including race, ethnicity, age, sex, gender, geographic re-
13 gion, and other relevant factors of individuals tested for
14 or diagnosed with COVID–19, to include—

15 (1) providing technical assistance to State,
16 local, and territorial health departments to improve
17 the collection and reporting of such demographic
18 data;

19 (2) if such data is not so collected or reported,
20 the reason why the State, local, or territorial depart-
21 ment of health has not been able to collect or pro-
22 vide such information; and

23 (3) making a copy of such report available pub-
24 licly on the website of the Centers for Disease Con-
25 trol and Prevention.

1 FEDERAL MODERNIZATION FOR HEALTH INEQUITIES

2 DATA

3 SEC. 30573.

4 (a) IN GENERAL.—The Secretary shall work with
5 covered agencies to support the modernization of data col-
6 lection methods and infrastructure at such agencies for
7 the purpose of increasing data collection related to health
8 inequities, such as racial, ethnic, socioeconomic, sex, gen-
9 der, and disability disparities.

10 (b) COVERED AGENCY DEFINED.—In this section,
11 the term “covered agency” means each of the following
12 Federal agencies:

13 (1) The Agency for Healthcare Research and
14 Quality.

15 (2) The Centers for Disease Control and Pre-
16 vention.

17 (3) The Centers for Medicare & Medicaid Serv-
18 ices.

19 (4) The Food and Drug Administration.

20 (5) The Office of the National Coordinator for
21 Health Information Technology.

22 (6) The National Institutes of Health.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to each covered agency to

1 carry out this section \$4,000,000, to remain available
2 until expended.

3 MODERNIZATION OF STATE AND LOCAL HEALTH

4 INEQUITIES DATA

5 SEC. 30574.

6 (a) IN GENERAL.—Not later than 6 months after the
7 date of enactment of this Act, the Secretary, acting
8 through the Director of the Centers for Disease Control
9 and Prevention, shall award grants to State, local, and
10 territorial health departments in order to support the
11 modernization of data collection methods and infrastruc-
12 ture for the purposes of increasing data related to health
13 inequities, such as racial, ethnic, socioeconomic, sex, gen-
14 der, and disability disparities. The Secretary shall—

15 (1) provide guidance, technical assistance, and
16 information to grantees under this section on best
17 practices regarding culturally competent, accurate,
18 and increased data collection and transmission; and

19 (2) track performance of grantees under this
20 section to help improve their health inequities data
21 collection by identifying gaps and taking effective
22 steps to support States, localities, and territories in
23 addressing the gaps.

24 (b) REPORT.—Not later than 1 year after the date
25 on which the first grant is awarded under this section,
26 the Secretary shall submit to the Committee on Energy

1 and Commerce of the House of Representatives and the
2 Committee on Health, Education, Labor and Pensions of
3 the Senate an initial report detailing—

4 (1) nationwide best practices for ensuring
5 States and localities collect and transmit health in-
6 equities data;

7 (2) nationwide trends which hinder the collec-
8 tion and transmission of health inequities data;

9 (3) Federal best practices for working with
10 States and localities to ensure culturally competent,
11 accurate, and increased data collection and trans-
12 mission; and

13 (4) any recommended changes to legislative or
14 regulatory authority to help improve and increase
15 health inequities data collection.

16 (c) FINAL REPORT.—Not later than December 31,
17 2023, the Secretary shall—

18 (1) update and finalize the initial report under
19 subsection (b); and

20 (2) submit such final report to the committees
21 specified in such subsection.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$100,000,000, to remain available until expended.

1 TRIBAL FUNDING TO RESEARCH HEALTH INEQUITIES
2 INCLUDING COVID–19
3 SEC. 30575.

4 (a) IN GENERAL.—Not later than 6 months after the
5 date of enactment of this Act, the Director of the Indian
6 Health Service, in coordination with Tribal Epidemiology
7 Centers and other Federal agencies, as appropriate, shall
8 conduct or support research and field studies for the pur-
9 poses of improved understanding of Tribal health inequi-
10 ties among American Indians and Alaska Natives, includ-
11 ing with respect to—

- 12 (1) disparities related to COVID–19;
13 (2) public health surveillance and infrastructure
14 regarding unmet needs in Indian country and Urban
15 Indian communities;
16 (3) population-based health disparities;
17 (4) barriers to health care services;
18 (5) the impact of socioeconomic status; and
19 (6) factors contributing to Tribal health inequi-
20 ties.

21 (b) CONSULTATION, CONFER, AND COORDINATION.—
22 In carrying out this section, the Director of the Indian
23 Health Service shall—

- 24 (1) consult with Indian Tribes and Tribal orga-
25 nizations;

1 (2) confer with Urban Indian organizations;
2 and

3 (3) coordinate with the Director of the Centers
4 for Disease Control and Prevention and the Director
5 of the National Institutes of Health.

6 (c) PROCESS.—Not later than 60 days after the date
7 of enactment of this Act, the Director of the Indian Health
8 Service shall establish a nationally representative panel to
9 establish processes and procedures for the research and
10 field studies conducted or supported under subsection (a).
11 The Director shall ensure that, at a minimum, the panel
12 consists of the following individuals:

13 (1) Elected Tribal leaders or their designees.

14 (2) Tribal public health practitioners and ex-
15 perts from the national and regional levels.

16 (d) DUTIES.—The panel established under subsection
17 (c) shall, at a minimum—

18 (1) advise the Director of the Indian Health
19 Service on the processes and procedures regarding
20 the design, implementation, and evaluation of, and
21 reporting on, research and field studies conducted or
22 supported under this section;

23 (2) develop and share resources on Tribal pub-
24 lic health data surveillance and reporting, including
25 best practices; and

1 (3) carry out such other activities as may be
2 appropriate to establish processes and procedures for
3 the research and field studies conducted or sup-
4 ported under subsection (a).

5 (e) REPORT.—Not later than 1 year after expending
6 all funds made available to carry out this section, the Di-
7 rector of the Indian Health Service, in coordination with
8 the panel established under subsection (c), shall submit
9 an initial report on the results of the research and field
10 studies under this section to—

11 (1) the Committee on Energy and Commerce
12 and the Committee on Natural Resources of the
13 House of Representatives; and

14 (2) the Committee on Indian Affairs and the
15 Committee on Health, Education, Labor and Pen-
16 sions of the Senate.

17 (f) TRIBAL DATA SOVEREIGNTY.—The Director of
18 the Indian Health Service shall ensure that all research
19 and field studies conducted or supported under this sec-
20 tion are tribally-directed and carried out in a manner
21 which ensures Tribal-direction of all data collected under
22 this section—

23 (1) according to Tribal best practices regarding
24 research design and implementation, including by

1 ensuring the consent of the Tribes involved to public
2 reporting of Tribal data;

3 (2) according to all relevant and applicable
4 Tribal, professional, institutional, and Federal
5 standards for conducting research and governing re-
6 search ethics;

7 (3) with the prior and informed consent of any
8 Indian Tribe participating in the research or sharing
9 data for use under this section; and

10 (4) in a manner that respects the inherent sov-
11 ereignty of Indian Tribes, including Tribal govern-
12 ance of data and research.

13 (g) FINAL REPORT.—Not later than December 31,
14 2023, the Director of the Indian Health Service shall—

15 (1) update and finalize the initial report under
16 subsection (e); and

17 (2) submit such final report to the committees
18 specified in such subsection.

19 (h) DEFINITIONS.—In this section:

20 (1) The terms “Indian Tribe” and “Tribal or-
21 ganization” have the meanings given to such terms
22 in section 4 of the Indian Self-Determination and
23 Education Assistance Act (25 U.S.C. 5304).

24 (2) The term “Urban Indian organization” has
25 the meaning given to such term in section 4 of the

1 Indian Health Care Improvement Act (25 U.S.C.
2 1603).

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$25,000,000, to remain available until expended.

6 CDC FIELD STUDIES PERTAINING TO SPECIFIC HEALTH
7 INEQUITIES

8 SEC. 30576.

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of enactment of this Act, the Secretary, acting
11 through the Centers for Disease Control and Prevention,
12 in collaboration with State, local, and territorial health de-
13 partments, shall complete (by the reporting deadline in
14 subsection (b)) field studies to better understand health
15 inequities that are not currently tracked by the Secretary.
16 Such studies shall include an analysis of—

17 (1) the impact of socioeconomic status on
18 health care access and disease outcomes, including
19 COVID–19 outcomes;

20 (2) the impact of disability status on health
21 care access and disease outcomes, including COVID–
22 19 outcomes;

23 (3) the impact of language preference on health
24 care access and disease outcomes, including COVID–
25 19 outcomes;

1 (4) factors contributing to disparities in health
2 outcomes for the COVID–19 pandemic; and

3 (5) other topics related to disparities in health
4 outcomes for the COVID–19 pandemic, as deter-
5 mined by the Secretary.

6 (b) REPORT.—Not later than December 31, 2021,
7 the Secretary shall submit to the Committee on Energy
8 and Commerce of the House of Representatives and the
9 Committee on Health, Education, Labor and Pensions of
10 the Senate an initial report on the results of the field stud-
11 ies under this section.

12 (c) FINAL REPORT.—Not later than December 31,
13 2023, the Secretary shall—

14 (1) update and finalize the initial report under
15 subsection (b); and

16 (2) submit such final report to the committees
17 specified in such subsection.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$25,000,000, to remain available until expended.

21 ADDITIONAL REPORTING TO CONGRESS ON THE RACE
22 AND ETHNICITY RATES OF COVID–19 TESTING, HOS-
23 PITALIZATIONS, AND MORTALITIES
24 SEC. 30577.

25 (a) IN GENERAL.—Not later than August 1, 2020,
26 the Secretary shall submit to the Committee on Appro-

1 priations and the Committee on Energy and Commerce
2 of the House of Representatives and the Committee on
3 Appropriations and the Committee on Health, Education,
4 Labor and Pensions of the Senate an initial report—

5 (1) describing the testing, positive diagnoses,
6 hospitalization, intensive care admissions, and mor-
7 tality rates associated with COVID–19,
8 disaggregated by race, ethnicity, age, sex, gender,
9 geographic region, and other relevant factors as de-
10 termined by the Secretary;

11 (2) including an analysis of any variances of
12 testing, positive diagnoses, hospitalizations, and
13 deaths by demographic characteristics; and

14 (3) including proposals for evidenced-based re-
15 sponse strategies to reduce disparities related to
16 COVID–19.

17 (b) FINAL REPORT.—Not later than December 31,
18 2024, the Secretary shall—

19 (1) update and finalize the initial report under
20 subsection (a); and

21 (2) submit such final report to the committees
22 specified in such subsection.

23 (c) COORDINATION.—In preparing the report sub-
24 mitted under this section, the Secretary shall take into ac-
25 count and otherwise coordinate such report with reporting

1 required under section 30572 and under the heading “De-
2 partment of Health and Human Services—Office of the
3 Secretary—Public Health and Social Service Emergency
4 Fund” in title I of division B of the Paycheck Protection
5 Program and Health Care Enhancement Act (Public Law
6 116–139; 134 Stat. 620, 626).

7 Subtitle F—Miscellaneous

8 TECHNICAL CORRECTIONS TO AMENDMENTS MADE BY

9 CARES ACT

10 SEC. 30581.

11 (a) The amendments made by this section shall take
12 effect as if included in the enactment of the CARES Act
13 (Public Law 116–136).

14 (b) Section 3112 of division A of the CARES Act
15 (Public Law 116–136) is amended—

16 (1) in subsection (a)(2)(A), by striking the
17 comma before “or a permanent”;

18 (2) in subsection (d)(1), by striking “and sub-
19 paragraphs (A) and (B)” and inserting “as subpara-
20 graphs (A) and (B)”; and

21 (3) in subsection (e), by striking “Drug, Cos-
22 metic Act” and inserting “Drug, and Cosmetic Act”.

23 (c) Section 6001(a)(1)(D) of division F of the Fami-
24 lies First Coronavirus Response Act (Public Law 116–
25 127), as amended by section 3201 of division A of the

1 CARES Act (Public Law 116–136), is amended by strik-
2 ing “other test that”.

3 (d) Subsection (k)(9) of section 543 of the Public
4 Health Service Act (42 U.S.C. 290dd–2), as added by sec-
5 tion 3221(d) of division A of the CARES Act (Public Law
6 116–136), is amended by striking “unprotected health in-
7 formation” and inserting “unsecured protected health in-
8 formation”.

9 (e) Section 3401(2)(D) of division A of the CARES
10 Act (Public Law 116–136), is amended by striking “Not
11 Later than” and inserting “Not later than”.

12 (f) Section 831(f) of the Public Health Service Act,
13 as redesignated by section 3404(a)(6)(E) and amended by
14 section 3404(a)(6)(G) of division A of the CARES Act
15 (Public Law 116–136), is amended by striking “a health
16 care facility, or a partnership of such a school and facil-
17 ity”.

18 (g) Section 846(i) of the Public Health Service Act,
19 as amended by section 3404(i)(8)(C) of division A of the
20 CARES Act (Public Law 116–136), is amended by strik-
21 ing “871(b),” and inserting “871(b),”.

22 (h) Section 3606(a)(1)(A) of division A of the
23 CARES Act (Public Law 116–136) is amended by striking
24 “In general” and inserting “IN GENERAL”.

1 (i) Section 3856(b)(1) of division A of the CARES
2 Act (Public Law 116–136) is amended to read as follows:

3 “(1) IN GENERAL.—Section 905(b)(4) of the
4 FDA Reauthorization Act of 2017 (Public Law 115–
5 52) is amended by striking ‘Section 744H(e)(2)(B)
6 of the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 379j–52(e)(2)(B))’ and inserting ‘Section
8 744H(f)(2)(B) of the Federal Food, Drug, and Cos-
9 metic Act, as redesignated by section 403(c)(1) of
10 this Act.’”.

11 TITLE VI—PUBLIC HEALTH ASSISTANCE

12 Subtitle A—Assistance to Providers and Health System

13 HEALTH CARE PROVIDER RELIEF FUND

14 SEC. 30611.

15 (a) IN GENERAL.—Not later than 7 days after the
16 date of enactment of this Act, the Secretary, acting
17 through the Administrator of the Health Resources and
18 Services Administration, shall establish a program under
19 which the Secretary shall reimburse, through grants or
20 other mechanisms, eligible health care providers for eligi-
21 ble expenses or lost revenues occurring during calendar
22 quarters beginning on or after January 1, 2020, to pre-
23 vent, prepare for, and respond to COVID–19, in an
24 amount calculated under subsection (c).

25 (b) QUARTERLY BASIS.—

1 (1) SUBMISSION OF APPLICATIONS.—The Sec-
2 retary shall give applicants a period of 7 calendar
3 days after the close of a quarter to submit applica-
4 tions under this section with respect to such quarter,
5 except that the Secretary shall give applicants a pe-
6 riod of 7 calendar days after the date of enactment
7 of this Act to submit applications with respect to the
8 quarter beginning on January 1, 2020, if the appli-
9 cant has not previously submitted an application
10 with the respect to such quarter.

11 (2) REVIEW AND PAYMENT.—The Secretary
12 shall—

13 (A) review applications and make awards
14 of reimbursement under this section on a quar-
15 terly basis; and

16 (B) award the reimbursements under this
17 section for a quarter not later than 14 calendar
18 days after the close of the quarter, except that
19 the Secretary shall award the reimbursements
20 under this section for the quarter beginning on
21 January 1, 2020, not later than 14 calendar
22 days after the date of enactment of this Act.

23 (c) CALCULATION.—

24 (1) IN GENERAL.—The amount of the reim-
25 bursement to an eligible health provider under this

1 section with respect to a calendar quarter shall
2 equal—

3 (A) the sum of—

4 (i) 100 percent of the eligible ex-
5 penses, as described in subsection (d), of
6 the provider during the quarter; and

7 (ii) subject to paragraph (3), 60 per-
8 cent of the lost revenues, as described in
9 subsection (e), of the provider during the
10 quarter; less

11 (B) any funds that are—

12 (i) received by the provider during the
13 quarter pursuant to the Coronavirus Pre-
14 paredness and Response Supplemental Ap-
15 propriations Act, 2020 (Public Law 116-
16 123), the Families First Coronavirus Re-
17 sponse Act (Public Law 116-127), the
18 CARES Act (Public Law 116-136), or the
19 Paycheck Protection Program and Health
20 Care Enhancement Act (Public Law 116-
21 139); and

22 (ii) not required to be repaid.

23 (2) CARRYOVER.—If the amount determined
24 under paragraph (1)(B) for a calendar quarter with
25 respect to an eligible health care provider exceeds

1 the amount determined under subparagraph (A)
2 with respect to such provider and quarter, the
3 amount of such difference shall be applied in making
4 the calculation under this subsection, over each sub-
5 sequent calendar quarter for which the eligible
6 health care provider seeks reimbursement under this
7 section.

8 (3) LOST REVENUE LIMITATION.—If the
9 amount determined under subsection (e) with re-
10 spect to the lost revenue of an eligible health care
11 provider for a calendar quarter does not exceed an
12 amount that equals 10 percent of the net patient
13 revenue (as defined in such subsection) of the pro-
14 vider for the corresponding quarter in 2019, the ad-
15 dend under paragraph (1)(A)(ii), in making the cal-
16 culation under paragraph (1), is deemed to be zero.

17 (d) ELIGIBLE EXPENSES.—Subject to subsection
18 (h)(1), expenses eligible for reimbursement under this sec-
19 tion include expenses for—

20 (1) building or construction of temporary struc-
21 tures;

22 (2) leasing of properties;

23 (3) medical supplies and equipment including
24 personal protective equipment;

- 1 (4) in vitro diagnostic tests, serological tests, or
2 testing supplies;
- 3 (5) increased workforce and trainings;
- 4 (6) emergency operation centers;
- 5 (7) construction or retrofitting of facilities;
- 6 (8) mobile testing units;
- 7 (9) surge capacity;
- 8 (10) retention of workforce; and
- 9 (11) such other items and services as the Sec-
10 retary determines to be appropriate, in consultation
11 with relevant stakeholders.

12 (e) LOST REVENUES.—

13 (1) IN GENERAL.—Subject to subsection (h)(1),
14 for purposes of subsection (c)(1)(A)(ii), the lost rev-
15 enues of an eligible health care provider, with re-
16 spect to the calendar quarter involved, shall be equal
17 to—

18 (A) net patient revenue of the provider for
19 the corresponding quarter in 2019 minus net
20 patient revenue of the provider for such quar-
21 ter; less

22 (B) the savings of the provider during the
23 calendar quarter involved attributable to fore-
24 gone wages, payroll taxes, and benefits of per-

1 sonnel who were furloughed or laid off by the
2 provider during that quarter.

3 (2) NET PATIENT REVENUE DEFINED.—For
4 purposes of paragraph (1)(A), the term “net patient
5 revenue”, with respect to an eligible health care pro-
6 vider and a calendar quarter, means the sum of—

7 (A) 200 percent of the total amount of re-
8 imbursement received by the provider during
9 the quarter for all items and services furnished
10 under a State plan or a waiver of a State plan
11 under title XIX of the Social Security Act (42
12 U.S.C. 1396 et seq.);

13 (B) 125 percent of the total amount of re-
14 imbursement received by the provider during
15 the quarter for all items and services furnished
16 under title XVIII of the Social Security Act (42
17 U.S.C. 1395 et seq.); and

18 (C) 100 percent of the total amount of re-
19 imbursement not described in subparagraph (A)
20 or (B) received by the provider during the quar-
21 ter for all items and services.

22 (f) INSUFFICIENT FUNDS FOR A QUARTER.—If there
23 are insufficient funds made available to reimburse all eligi-
24 ble health care providers for all eligible expenses and lost

1 revenues for a quarter in accordance with this section, the
2 Secretary shall—

3 (1) prioritize reimbursement of eligible ex-
4 penses; and

5 (2) using the entirety of the remaining funds,
6 uniformly reduce the percentage of lost revenues
7 otherwise applicable under subsection (c)(1)(A)(ii) to
8 the extent necessary to reimburse a portion of the
9 lost revenues of all eligible health care providers ap-
10 plying for reimbursement.

11 (g) APPLICATION.—A health care provider seeking
12 reimbursement under this section for a calendar quarter
13 shall submit to the Secretary an application that—

14 (1) provides documentation demonstrating that
15 the health care provider is an eligible health care
16 provider;

17 (2) includes a valid tax identification number of
18 the health care provider;

19 (3) attests to the eligible expenses and lost rev-
20 enues of the health care provider, as described in
21 subsection (d), occurring during the calendar quar-
22 ter;

23 (4) includes an itemized listing of each such eli-
24 gible expense, including expenses incurred in pro-
25 viding uncompensated care;

1 (5) for purposes of subsection (c)(3), attests to
2 whether the amount determined under subsection (e)
3 with respect to the lost revenue of an eligible health
4 care provider for a calendar quarter exceeds an
5 amount that equals 10 percent of the net patient
6 revenue (as defined in such subsection) of the pro-
7 vider for the corresponding quarter in 2019;

8 (6) includes projections of the eligible expenses
9 and lost revenues of the health care provider, as de-
10 scribed in subsection (c), for the calendar quarter
11 that immediately follows the calendar for which re-
12 imbursement is sought; and

13 (7) indicates the dollar amounts described in
14 each of subparagraphs (A) and (B) of subsection
15 (e)(1) and subparagraphs (A), (B), and (C) of sub-
16 section (e)(2) for the calendar quarter.

17 (h) LIMITATIONS.—

18 (1) NO DUPLICATIVE REIMBURSEMENT.—The
19 Secretary may not provide, and a health care pro-
20 vider may not accept, reimbursement under this sec-
21 tion for expenses or losses with respect to which—

22 (A) the eligible health care provider is re-
23 imbursed from other sources; or

24 (B) other sources are obligated to reim-
25 burse the provider.

1 (2) NO EXECUTIVE COMPENSATION.—Reim-
2 bursement for eligible expenses (as described in sub-
3 section (e)) and lost revenues (as described in sub-
4 section (f)) shall not include compensation or bene-
5 fits, including salary, bonuses, awards of stock, or
6 other financial benefits, for an officer or employee
7 described in section 4004(a)(2) of the CARES Act
8 (Public Law 116–136).

9 (i) NO BALANCE BILLING AS CONDITION OF RE-
10 CEIPT OF FUNDS.—

11 (1) PROTECTING INDIVIDUALS ENROLLED IN
12 HEALTH PLANS.—As a condition of receipt of reim-
13 bursement under this section, a health care provider,
14 in the case such provider furnishes during the emer-
15 gency period described in section 1135(g)(1)(B) of
16 the Social Security Act (42 U.S.C. 1320b–
17 5(g)(1)(B)) (whether before, on, or after, the date
18 on which the provider submits an application under
19 this section) a medically necessary item or service
20 described in subparagraph (A), (B), or (C) of para-
21 graph (3) to an individual who is described in such
22 subparagraph (A), (B), or (C), respectively, and en-
23 rolled in a group health plan or group or individual
24 health insurance coverage offered by a health insur-
25 ance issuer (including grandfathered health plans as

1 defined in section 1251(e) of the Patient Protection
2 and Affordable Care Act (42 U.S.C. 18011(e)) and
3 such provider is a nonparticipating provider with re-
4 spect to such plan or coverage and such plan or cov-
5 erage and such items and services would otherwise
6 be covered under such plan if furnished by a partici-
7 pating provider—

8 (A) may not bill or otherwise hold liable
9 such individual for a payment amount for such
10 item or service that is more than the cost-shar-
11 ing amount that would apply under such plan
12 or coverage for such item or service if such pro-
13 vider furnishing such service were a partici-
14 pating provider with respect to such plan or
15 coverage;

16 (B) shall reimburse such individual in a
17 timely manner for any amount for such item or
18 service paid by the individual to such provider
19 in excess of such cost-sharing amount;

20 (C) shall submit any claim for such item or
21 service directly to the plan or coverage; and

22 (D) shall not bill the individual for such
23 cost-sharing amount until such individual is in-
24 formed by the plan or coverage of the required
25 payment amount.

1 (2) PROTECTING UNINSURED INDIVIDUALS.—

2 As a condition of receipt of reimbursement under
3 this section, a health care provider, in the case such
4 reimbursement is with respect to expenses incurred
5 in providing uncompensated care (as described in
6 subsection (g)(4)) with respect to a medically nec-
7 essary item or service described in subparagraph
8 (A), (B), or (C) of paragraph (3) furnished during
9 such emergency period (whether before, on, or after,
10 the date on which the provider submits an applica-
11 tion under this section) by the provider to an indi-
12 vidual who is described in such subparagraph (A),
13 (B), or (C), respectively—

14 (A) shall consider such reimbursement as
15 payment in full with respect to such item or
16 service so furnished to such individual;

17 (B) may not bill or otherwise hold liable
18 such individual for any payment for such item
19 or service so furnished to such individual; and

20 (C) shall reimburse such individual in a
21 timely manner for any amount for such item or
22 service paid by the individual to such provider.

23 (3) MEDICALLY NECESSARY ITEMS AND SERV-
24 ICES DESCRIBED.—For purposes of this subsection,

1 medically necessary items and services described in
2 this paragraph are—

3 (A) medically necessary items and services
4 (including in-person or telehealth visits in which
5 such items and services are furnished) that are
6 furnished to an individual who has been diag-
7 nosed with (or after provision of the items and
8 services is diagnosed with) COVID–19 to treat
9 or mitigate the effects of COVID–19;

10 (B) medically necessary items and services
11 (including in-person or telehealth visits in which
12 such items and services are furnished) that are
13 furnished to an individual who is presumed, in
14 accordance with paragraph (4), to have
15 COVID–19 but is never diagnosed as such; and

16 (C) a diagnostic test (and administration
17 of such test) as described in section 6001(a) of
18 division F of the Families First Coronavirus
19 Response Act (42 U.S.C. 1320b–5 note) admin-
20 istered to an individual.

21 (4) PRESUMPTIVE CASE OF COVID–19.—For
22 purposes of paragraph (3)(B), an individual shall be
23 presumed to have COVID–19 if the medical record
24 documentation of the individual supports a diagnosis
25 of COVID–19, even if the individual does not have

1 a positive in vitro diagnostic test result in the med-
2 ical record of the individual.

3 (5) PENALTY.—In the case of an eligible health
4 care provider that is paid a reimbursement under
5 this section and that is in violation of paragraph (1)
6 or (2), in addition to any other penalties that may
7 be prescribed by law, the Secretary may recoup from
8 such provider up to the full amount of reimburse-
9 ment the provider receives under this section.

10 (6) DEFINITIONS.—In this subsection:

11 (A) NONPARTICIPATING PROVIDER.—The
12 term “nonparticipating provider” means, with
13 respect to an item or service and group health
14 plan or group or individual health insurance
15 coverage offered by a health insurance issuer, a
16 health care provider that does not have a con-
17 tractual relationship directly or indirectly with
18 the plan or issuer, respectively, for furnishing
19 such an item or service under the plan or cov-
20 erage.

21 (B) PARTICIPATING PROVIDER.—The term
22 “participating provider” means, with respect to
23 an item or service and group health plan or
24 group or individual health insurance coverage
25 offered by a health insurance issuer, a health

1 care provider that has a contractual relation-
2 ship directly or indirectly with the plan or
3 issuer, respectively, for furnishing such an item
4 or service under the plan or coverage.

5 (C) GROUP HEALTH PLAN, HEALTH INSUR-
6 ANCE COVERAGE.—The terms “group health
7 plan”, “health insurance issuer”, “group health
8 insurance coverage”, and “individual health in-
9 surance coverage” shall have the meanings
10 given such terms under section 2791 of the
11 Public Health Service Act (42 U.S.C. 300gg–
12 91).

13 (j) REPORTS.—

14 (1) AWARD INFORMATION.—In making awards
15 under this section, the Secretary shall post in a
16 searchable, electronic format, a list of all recipients
17 and awards pursuant to funding authorized under
18 this section.

19 (2) REPORTS BY RECIPIENTS.—Each recipient
20 of an award under this section shall, as a condition
21 on receipt of such award, submit reports and main-
22 tain documentation, in such form, at such time, and
23 containing such information, as the Secretary deter-
24 mines is needed to ensure compliance with this sec-
25 tion.

1 (3) PUBLIC LISTING OF AWARDS.—The Sec-
2 retary shall—

3 (A) not later than 7 days after the date of
4 enactment of this Act, post in a searchable,
5 electronic format, a list of all awards made by
6 the Secretary under this section, including the
7 recipients and amounts of such awards; and

8 (B) update such list not less than every 7
9 days until all funds made available to carry out
10 this section are expended.

11 (4) INSPECTOR GENERAL REPORT.—

12 (A) IN GENERAL.—Not later than 3 years
13 after final payments are made under this sec-
14 tion, the Inspector General of the Department
15 of Health and Human Services shall transmit a
16 final report on audit findings with respect to
17 the program under this section to the Com-
18 mittee on Energy and Commerce and the Com-
19 mittee on Appropriations of the House of Rep-
20 resentatives and the Committee on Health,
21 Education, Labor and Pensions and the Com-
22 mittee on Appropriations of the Senate.

23 (B) RULE OF CONSTRUCTION.—Nothing in
24 this paragraph shall be construed as limiting
25 the authority of the Inspector General of the

1 Department of Health and Human Services or
2 the Comptroller General of the United States to
3 conduct audits of interim payments earlier than
4 the deadline described in subparagraph (A).

5 (k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—

6 In this section:

7 (1) IN GENERAL.—The term “eligible health
8 care provider” means a health care provider de-
9 scribed in paragraph (2) that provides diagnostic or
10 testing services or treatment to individuals with a
11 confirmed or presumptive diagnosis of COVID–19.

12 (2) HEALTH CARE PROVIDERS DESCRIBED.—A
13 health care provider described in this paragraph is
14 any of the following:

15 (A) A health care provider enrolled as a
16 participating provider under a State plan ap-
17 proved under title XIX of the Social Security
18 Act (42 U.S.C. 1396 et seq.) (or a waiver of
19 such a plan).

20 (B) A provider of services (as defined in
21 subsection (u) of section 1861 of the Social Se-
22 curity Act (42 U.S.C. 1395x)) or a supplier (as
23 defined in subsection (d) of such section) that
24 is enrolled as a participating provider of serv-
25 ices or participating supplier under the Medi-

1 care program under title XVIII of such Act (42
2 U.S.C. 1395 et seq.).

3 (C) A public entity.

4 (D) Any other entity not described in this
5 paragraph as the Secretary may specify.

6 (I) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated for an addi-
9 tional amount to carry out this section
10 \$100,000,000,000, to remain available until ex-
11 pended.

12 (2) HEALTH CARE PROVIDER RELIEF FUND.—

13 (A) USE OF APPROPRIATED FUNDS.—

14 (i) IN GENERAL.—In addition to
15 amounts authorized to be appropriated
16 pursuant to paragraph (1), the unobligated
17 balance of all amounts appropriated to the
18 Health Care Provider Relief Fund shall be
19 made available only to carry out this sec-
20 tion.

21 (ii) AMOUNTS.—For purposes of
22 clause (i), the following amounts are
23 deemed to be appropriated to the Health
24 Care Provider Relief Fund:

1 (I) The unobligated balance of
2 the appropriation of
3 \$100,000,000,000 in the third para-
4 graph under the heading “Depart-
5 ment of Health and Human Serv-
6 ices—Office of the Secretary—Public
7 Health and Social Services Emergency
8 Fund” in division B of the CARES
9 Act (Public Law 116–136).

10 (II) The unobligated balance of
11 the appropriation under the heading
12 “Department of Health and Human
13 Services—Office of the Secretary—
14 Public Health and Social Services
15 Emergency Fund” in division B of the
16 Paycheck Protection Program and
17 Health Care Enhancement Act (Pub-
18 lic Law 116–139).

19 (B) LIMITATION.—Of the unobligated bal-
20 ances described in subparagraph (A)(ii), the
21 Secretary may not make available more than
22 \$10,000,000,000 to reimburse eligible health
23 care providers for expenses incurred in pro-
24 viding uncompensated care.

1 (C) FUTURE AMOUNTS.—Any appropria-
2 tion enacted subsequent to the date of enact-
3 ment of this Act that is made available for re-
4 imbursement eligible health care providers as de-
5 scribed in subsection (a) shall be made available
6 only to carry out this section.

7 PUBLIC HEALTH WORKFORCE LOAN REPAYMENT

8 PROGRAM

9 SEC. 30612.

10 Part D of title III of the Public Health Service Act
11 (42 U.S.C. 254b et seq.) is amended by adding at the end
12 the following new subpart:

13 **“Subpart XIII—Public Health Workforce**

14 **“SEC. 340J. LOAN REPAYMENT PROGRAM.**

15 “(a) ESTABLISHMENT.—The Secretary of Health
16 and Human Services shall establish a program to be
17 known as the Public Health Workforce Loan Repayment
18 Program (referred to in this section as the ‘Program’) to
19 assure an adequate supply of and encourage recruitment
20 of public health professionals to eliminate critical public
21 health workforce shortages in local, State, territorial, and
22 Tribal public health agencies.

23 “(b) ELIGIBILITY.—To be eligible to participate in
24 the Program, an individual shall—

25 “(1)(A) be accepted for enrollment, or be en-
26 rolled, as a student in an accredited academic edu-

1 cational institution in a State or territory in the
2 final semester or equivalent of a course of study or
3 program leading to a public health degree, a health
4 professions degree or certificate, or a degree in com-
5 puter science, information science, information sys-
6 tems, information technology, or statistics and have
7 accepted employment with a local, State, territorial,
8 or Tribal public health agency, or a related training
9 fellowship, as recognized by the Secretary, to com-
10 commence upon graduation; or

11 “(B)(i) have graduated, during the preceding
12 10-year period, from an accredited educational insti-
13 tution in a State or territory and received a public
14 health degree, a health professions degree or certifi-
15 cate, or a degree in computer science, information
16 science, information systems, information tech-
17 nology, or statistics; and

18 “(ii) be employed by, or have accepted employ-
19 ment with, a local, State, territorial, or Tribal public
20 health agency or a related training fellowship, as
21 recognized by the Secretary;

22 “(2) be a United States citizen;

23 “(3)(A) submit an application to the Secretary
24 to participate in the Program; and

1 “(B) execute a written contract as required in
2 subsection (c); and

3 “(4) not have received, for the same service, a
4 reduction of loan obligations under section 428K or
5 428L of the Higher Education Act of 1965 (20
6 U.S.C. 1078–11, 1078–12).

7 “(c) CONTRACT.—The written contract referred to in
8 subsection (b)(3)(B) between the Secretary and an indi-
9 vidual shall contain—

10 “(1) an agreement on the part of the Secretary
11 that the Secretary will repay, on behalf of the indi-
12 vidual, loans incurred by the individual in the pur-
13 suit of the relevant degree or certificate in accord-
14 ance with the terms of the contract;

15 “(2) an agreement on the part of the individual
16 that the individual will serve in the full-time employ-
17 ment of a local, State, or Tribal public health agency
18 or a related fellowship program in a position related
19 to the course of study or program for which the con-
20 tract was awarded for a period of time equal to the
21 greater of—

22 “(A) 2 years; or

23 “(B) such longer period of time as deter-
24 mined appropriate by the Secretary and the in-
25 dividual;

1 “(3) an agreement, as appropriate, on the part
2 of the individual to relocate to a priority service area
3 (as determined by the Secretary) in exchange for an
4 additional loan repayment incentive amount to be
5 determined by the Secretary;

6 “(4) a provision that any financial obligation of
7 the United States arising out of a contract entered
8 into under this section and any obligation of the in-
9 dividual that is conditioned thereon, is contingent on
10 funds being appropriated for loan repayments under
11 this section;

12 “(5) a statement of the damages to which the
13 United States is entitled, under this section for the
14 individual’s breach of the contract; and

15 “(6) such other statements of the rights and li-
16 abilities of the Secretary and of the individual as the
17 Secretary determines appropriate, not inconsistent
18 with this section.

19 “(d) PAYMENTS.—

20 “(1) IN GENERAL.—A loan repayment provided
21 for an individual under a written contract referred
22 to in subsection (b)(3)(B) shall consist of payment,
23 in accordance with paragraph (2), for the individual
24 toward the outstanding principal and interest on
25 education loans incurred by the individual in the

1 pursuit of the relevant degree in accordance with the
2 terms of the contract.

3 “(2) **EQUITABLE DISTRIBUTION.**—In awarding
4 contracts under this section, the Secretary shall en-
5 sure—

6 “(A) a certain percentage of contracts are
7 awarded to individuals who are not already
8 working in public health departments;

9 “(B) an equitable distribution of funds
10 geographically; and

11 “(C) an equitable distribution among
12 State, local, territorial, and Tribal public health
13 departments.

14 “(3) **PAYMENTS FOR YEARS SERVED.**—For
15 each year of service that an individual contracts to
16 serve pursuant to subsection (c)(2), the Secretary
17 may pay not more than \$35,000 on behalf of the in-
18 dividual for loans described in paragraph (1). With
19 respect to participants under the Program whose
20 total eligible loans are less than \$105,000, the Sec-
21 retary shall pay an amount that does not exceed $\frac{1}{3}$
22 of the eligible loan balance for each year of such
23 service of such individual.

24 “(4) **TAX LIABILITY.**—For purposes of the In-
25 ternal Revenue Code of 1986, a payment made

1 under this section shall be treated in the same man-
2 ner as an amount received under section 338B(g) of
3 this Act, as described in section 108(f)(4) of such
4 Code.

5 “(e) POSTPONING OBLIGATED SERVICE.—With re-
6 spect to an individual receiving a degree or certificate from
7 a health professions or other related school, the date of
8 the initiation of the period of obligated service may be
9 postponed as approved by the Secretary.

10 “(f) BREACH OF CONTRACT.—An individual who fails
11 to comply with the contract entered into under subsection
12 (c) shall be subject to the same financial penalties as pro-
13 vided for under section 338E of the Public Health Service
14 Act (42 U.S.C. 254o) for breaches of loan repayment con-
15 tracts under section 338B of such Act (42 U.S.C. section
16 2541–1).

17 “(g) DEFINITION.—For purposes of this section, the
18 term ‘full-time’ means full-time as such term is used in
19 section 455(m)(3) of the Higher Education Act of 1965.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section—

22 “(1) \$100,000,000 for fiscal year 2020; and

23 “(2) \$75,000,000 for fiscal year 2021.”.

24 EXPANDING CAPACITY FOR HEALTH OUTCOMES

25 SEC. 30613.

1 (a) IN GENERAL.—The Secretary, acting through the
2 Administrator of the Health Resources and Services Ad-
3 ministration, shall award grants to eligible entities to de-
4 velop and expand the use of technology-enabled collabo-
5 rative learning and capacity building models to respond
6 to ongoing and real-time learning, health care information
7 sharing, and capacity building needs related to COVID-
8 19.

9 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
10 grant under this section, an entity shall have experience
11 providing technology-enabled collaborative learning and
12 capacity building health care services—

13 (1) in rural areas, frontier areas, health profes-
14 sional shortage areas, or medically underserved area;
15 or

16 (2) to medically underserved populations or In-
17 dian Tribes.

18 (c) USE OF FUNDS.—An eligible entity receiving a
19 grant under this section shall use funds received through
20 the grant—

21 (1) to advance quality of care in response to
22 COVID-19, with particular emphasis on rural and
23 underserved areas and populations;

1 (2) to protect medical personnel and first re-
2 sponders through sharing real-time learning through
3 virtual communities of practice;

4 (3) to improve patient outcomes for conditions
5 affected or exacerbated by COVID–19, including im-
6 provement of care for patients with complex chronic
7 conditions; and

8 (4) to support rapid uptake by health care pro-
9 fessionals of emerging best practices and treatment
10 protocols around COVID–19.

11 (d) **OPTIONAL ADDITIONAL USES OF FUNDS.**—An
12 eligible entity receiving a grant under this section may use
13 funds received through the grant for—

14 (1) equipment to support the use and expansion
15 of technology-enabled collaborative learning and ca-
16 pacity building models, including hardware and soft-
17 ware that enables distance learning, health care pro-
18 vider support, and the secure exchange of electronic
19 health information;

20 (2) the participation of multidisciplinary expert
21 team members to facilitate and lead technology-en-
22 abled collaborative learning sessions, and profes-
23 sionals and staff assisting in the development and
24 execution of technology-enabled collaborative learn-
25 ing;

1 (3) the development of instructional program-
2 ming and the training of health care providers and
3 other professionals that provide or assist in the pro-
4 vision of services through technology-enabled collabo-
5 rative learning and capacity building models; and

6 (4) other activities consistent with achieving the
7 objectives of the grants awarded under this section.

8 (e) TECHNOLOGY-ENABLED COLLABORATIVE LEARN-
9 ING AND CAPACITY BUILDING MODEL DEFINED.—In this
10 section, the term “technology-enabled collaborative learn-
11 ing and capacity building model” has the meaning given
12 that term in section 2(7) of the Expanding Capacity for
13 Health Outcomes Act (Public Law 114–270; 130 Stat.
14 1395).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$20,000,000, to remain available until expended.

18 ADDITIONAL FUNDING FOR MEDICAL RESERVE CORPS
19 SEC. 30614.

20 Section 2813 of the Public Health Service Act (42
21 U.S.C. 300hh–15) is amended by striking “\$11,200,000
22 for each of fiscal years 2019 through 2023” and inserting
23 “\$31,200,000 for each of fiscal years 2020 and 2021 and
24 \$11,200,000 for each of fiscal years 2022 and 2023”.

1 GRANTS FOR SCHOOLS OF MEDICINE IN DIVERSE AND
2 UNDERSERVED AREAS

3 SEC. 30615.

4 Subpart II of part C of title VII of the Public Health
5 Service Act is amended by inserting after section 749B
6 of such Act (42 U.S.C. 293m) the following:

7 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**
8 **AREAS.**

9 “(a) GRANTS.—The Secretary, acting through the
10 Administrator of the Health Resources and Services Ad-
11 ministration, may award grants to institutions of higher
12 education (including multiple institutions of higher edu-
13 cation applying jointly) for the establishment, improve-
14 ment, and expansion of an allopathic or osteopathic school
15 of medicine, or a branch campus of an allopathic or osteo-
16 pathic school of medicine.

17 “(b) PRIORITY.—In selecting grant recipients under
18 this section, the Secretary shall give priority to institutions
19 of higher education that—

20 “(1) propose to use the grant for an allopathic
21 or osteopathic school of medicine, or a branch cam-
22 pus of an allopathic or osteopathic school of medi-
23 cine, in a combined statistical area with fewer than
24 200 actively practicing physicians per 100,000 resi-

1 dents according to the medical board (or boards) of
2 the State (or States) involved;

3 “(2) have a curriculum that emphasizes care for
4 diverse and underserved populations; or

5 “(3) are minority-serving institutions described
6 in the list in section 371(a) of the Higher Education
7 Act of 1965.

8 “(c) USE OF FUNDS.—The activities for which a
9 grant under this section may be used include—

10 “(1) planning and constructing—

11 “(A) a new allopathic or osteopathic school
12 of medicine in an area in which no other school
13 is based; or

14 “(B) a branch campus of an allopathic or
15 osteopathic school of medicine in an area in
16 which no such school is based;

17 “(2) accreditation and planning activities for an
18 allopathic or osteopathic school of medicine or
19 branch campus;

20 “(3) hiring faculty and other staff to serve at
21 an allopathic or osteopathic school of medicine or
22 branch campus;

23 “(4) recruitment and enrollment of students at
24 an allopathic or osteopathic school of medicine or
25 branch campus;

1 “(5) supporting educational programs at an
2 allopathic or osteopathic school of medicine or
3 branch campus;

4 “(6) modernizing infrastructure or curriculum
5 at an existing allopathic or osteopathic school of
6 medicine or branch campus thereof;

7 “(7) expanding infrastructure or curriculum at
8 existing an allopathic or osteopathic school of medi-
9 cine or branch campus; and

10 “(8) other activities that the Secretary deter-
11 mines further the development, improvement, and
12 expansion of an allopathic or osteopathic school of
13 medicine or branch campus thereof.

14 “(d) DEFINITIONS.—In this section:

15 “(1) The term ‘branch campus’ means a geo-
16 graphically separate site at least 100 miles from the
17 main campus of a school of medicine where at least
18 one student completes at least 60 percent of the stu-
19 dent’s training leading to a degree of doctor of medi-
20 cine.

21 “(2) The term ‘institution of higher education’
22 has the meaning given to such term in section
23 101(a) of the Higher Education Act of 1965.

24 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
25 carry out this section, there is authorized to be appro-

1 priated \$1,000,000,000, to remain available until ex-
2 pended.”.

3 GAO STUDY ON PUBLIC HEALTH WORKFORCE

4 SEC. 30616.

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a study on the public health
7 workforce in the United States during the COVID–19
8 pandemic.

9 (b) TOPICS.—The study under subsection (a) shall
10 address—

11 (1) existing gaps in the Federal, State, local,
12 Tribal, and territorial public health workforce, in-
13 cluding—

14 (A) epidemiological and disease interven-
15 tion specialists needed during the pandemic for
16 contact tracing, laboratory technicians nec-
17 essary for testing, community health workers
18 for community supports and services, and other
19 staff necessary for contact tracing, testing, or
20 surveillance activities; and

21 (B) other personnel needed during the
22 COVID–19 pandemic;

23 (2) challenges associated with the hiring, re-
24 cruitment, and retention of the Federal, State, local,
25 Tribal, and territorial public health workforce; and

1 (3) recommended steps the Federal Government
2 should take to improve hiring, recruitment, and re-
3 tention of the public health workforce.

4 (c) REPORT.—Not later than December 1, 2021, the
5 Comptroller General shall submit to the Congress a report
6 on the findings of the study conducted under this section.

7 LONGITUDINAL STUDY ON THE IMPACT OF COVID–19 ON
8 RECOVERED PATIENTS

9 SEC. 30617.

10 Part A of title IV of the Public Health Service Act
11 (42 U.S.C. 281 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 4040. LONGITUDINAL STUDY ON THE IMPACT OF**
14 **COVID–19 ON RECOVERED PATIENTS.**

15 “(a) IN GENERAL.—The Director of NIH, in con-
16 sultation with the Director of the Centers for Disease Con-
17 trol and Prevention, shall conduct a longitudinal study,
18 over not less than 10 years, on the full impact of SARS–
19 CoV–2 or COVID–19 on infected individuals, including
20 both short-term and long-term health impacts.

21 “(b) TIMING.—The Director of NIH shall begin en-
22 rolling patients in the study under this section not later
23 than 6 months after the date of enactment of this section.

24 “(c) REQUIREMENTS.—The study under this section
25 shall—

26 “(1) be nationwide;

1 “(2) include diversity of enrollees to account for
2 gender, age, race, ethnicity, geography,
3 comorbidities, and underrepresented populations, in-
4 cluding pregnant and lactating women;

5 “(3) study individuals with COVID–19 who ex-
6 perienced mild symptoms, such individuals who expe-
7 rienced moderate symptoms, and such individuals
8 who experienced severe symptoms;

9 “(4) monitor the health outcomes and symp-
10 toms of individuals with COVID–19, or who had
11 prenatal exposure to SARS–CoV–2 or COVID–19,
12 including lung capacity and function, and immune
13 response, taking into account any pharmaceutical
14 interventions such individuals may have received;

15 “(5) monitor the mental health outcomes of in-
16 dividuals with COVID–19, taking into account any
17 interventions that affected mental health; and

18 “(6) monitor individuals enrolled in the study
19 not less frequently than twice per year after the first
20 year of the individual’s infection with SARS–CoV–2.

21 “(d) PUBLIC-PRIVATE RESEARCH NETWORK.—For
22 purposes of carrying out the study under this section, the
23 Director of NIH may develop a network of public-private
24 research partners, provided that all research, including the

1 research carried out through any such partner, is available
2 publicly.

3 “(e) SUMMARIES OF FINDINGS.—The Director of
4 NIH shall make public a summary of findings under this
5 section not less frequently than once every 3 months for
6 the first 2 years of the study, and not less frequently than
7 every 6 months thereafter. Such summaries may include
8 information about how the findings of the study under this
9 section compare with findings from research conducted
10 abroad.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this section
13 \$200,000,000, to remain available until expended.”.

14 RESEARCH ON THE MENTAL HEALTH IMPACT OF COVID—

15 19

16 SEC. 30618.

17 (a) IN GENERAL.—The Secretary, acting through the
18 Director of the National Institute of Mental Health, shall
19 conduct or support research on the mental health con-
20 sequences of SARS-CoV-2 or COVID-19.

21 (b) USE OF FUNDS.—Research under subsection (a)
22 may include the following:

23 (1) Research on the mental health impact of
24 SARS-CoV-2 or COVID-19 on health care pro-
25 viders, including—

26 (A) traumatic stress;

1 (B) psychological distress; and

2 (C) psychiatric disorders.

3 (2) Research on the impact of SARS-CoV-2 or
4 COVID-19 stressors on mental health over time.

5 (3) Research to strengthen the mental health
6 response to SARS-CoV-2 or COVID-19, including
7 adapting to and maintaining or providing additional
8 services for new or increasing mental health needs.

9 (4) Research on the reach, efficiency, effective-
10 ness, and quality of digital mental health interven-
11 tions.

12 (5) Research on effectiveness of strategies for
13 implementation and delivery of evidence-based men-
14 tal health interventions and services for underserved
15 populations.

16 (6) Research on suicide prevention.

17 (c) RESEARCH COORDINATION.—The Secretary shall
18 coordinate activities under this section with similar activi-
19 ties conducted by national research institutes and centers
20 of the National Institutes of Health to the extent that
21 such institutes and centers have responsibilities that are
22 related to the mental health consequences of SARS-CoV-
23 2 or COVID-19.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$200,000,000, to remain available until expended.

4 EMERGENCY MENTAL HEALTH AND SUBSTANCE USE

5 TRAINING AND TECHNICAL ASSISTANCE CENTER

6 SEC. 30619.

7 Subpart 3 of part B of title V of the Public Health
8 Service Act (42 U.S.C. 290bb–31 et seq.) is amended by
9 inserting after section 520A (42 U.S.C. 290bb–32) the fol-
10 lowing:

11 **“SEC. 520B. EMERGENCY MENTAL HEALTH AND SUB-**
12 **STANCE USE TRAINING AND TECHNICAL AS-**
13 **SISTANCE CENTER.**

14 “(a) ESTABLISHMENT.—The Secretary, acting
15 through the Assistant Secretary, shall establish or operate
16 a center to be known as the Emergency Mental Health
17 and Substance Use Training and Technical Assistance
18 Center (referred to in this section as the ‘Center’) to pro-
19 vide technical assistance and support—

20 “(1) to public or nonprofit entities seeking to
21 establish or expand access to mental health and sub-
22 stance use prevention, treatment, and recovery sup-
23 port services, and increase awareness of such serv-
24 ices; and

25 “(2) to public health professionals, health care
26 professionals and support staff, essential workers (as

1 defined by a State, Tribe, locality, or territory), and
2 members of the public to address the trauma, stress,
3 and mental health needs associated with an emer-
4 gency period.

5 “(b) ASSISTANCE AND SUPPORT.—The assistance
6 and support provided under subsection (a) shall include
7 assistance and support with respect to—

8 “(1) training on identifying signs of trauma,
9 stress, and mental health needs;

10 “(2) providing accessible resources to assist in-
11 dividuals and families experiencing trauma, stress,
12 or other mental health needs during and after an
13 emergency period;

14 “(3) providing resources for substance use dis-
15 order prevention, treatment, and recovery designed
16 to assist individuals and families during and after an
17 emergency period;

18 “(4) the provision of language access services,
19 including translation services, interpretation, or
20 other such services for individuals with limited
21 English speaking proficiency or people with disabil-
22 ities; and

23 “(5) evaluation and improvement, as necessary,
24 of the effectiveness of such services provided by pub-
25 lic or nonprofit entities.

1 “(c) BEST PRACTICES.—The Center shall periodi-
2 cally issue best practices for use by organizations seeking
3 to provide mental health services or substance use disorder
4 prevention, treatment, or recovery services to individuals
5 during and after an emergency period.

6 “(d) EMERGENCY PERIOD.—In this section, the term
7 ‘emergency period’ has the meaning given such term in
8 section 1135(g)(1)(A) of the Social Security Act.

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$20,000,000 for each of fiscal years 2020 and 2021.”.

12 IMPORTANCE OF THE BLOOD AND PLASMA SUPPLY

13 SEC. 30620.

14 (a) IN GENERAL.—Section 3226 of the CARES Act
15 (Public Law 116–136) is amended—

16 (1) in the section heading after “**BLOOD**” by
17 inserting “**AND PLASMA**”; and

18 (2) by inserting after “blood” each time it ap-
19 pears “and plasma”.

20 (b) CONFORMING AMENDMENT.—The item relating
21 to section 3226 in the table of contents in section 2 of
22 the CARES Act (Public Law 116–136) is amended to read
23 as follows:

“Sec. 3226. Importance of the blood and plasma supply.”.

1 Subtitle B—Assistance for Individuals and Families

2 REIMBURSEMENT FOR ADDITIONAL HEALTH SERVICES

3 RELATING TO CORONAVIRUS

4 SEC. 30631.

5 Title V of division A of the Families First
6 Coronavirus Response Act (Public Law 116–127) is
7 amended under the heading “Department of Health and
8 Human Services—Office of the Secretary—Public Health
9 and Social Services Emergency Fund” by inserting “, or
10 treatment related to SARS–CoV–2 or COVID–19 for un-
11 insured individuals” after “or visits described in para-
12 graph (2) of such section for uninsured individuals”.

13 CENTERS FOR DISEASE CONTROL AND PREVENTION

14 COVID–19 RESPONSE LINE

15 SEC. 30632.

16 (a) IN GENERAL.—During the public health emer-
17 gency declared by the Secretary pursuant to section 319
18 of the Public Health Service Act (42 U.S.C. 247d) on Jan-
19 uary 31, 2020 with respect to COVID–19, the Secretary,
20 acting through the Director of the Centers for Disease
21 Control and Prevention, shall maintain a toll-free tele-
22 phone number to address public health queries, including
23 questions concerning COVID–19.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there is authorized to be appropriated
26 \$10,000,000, to remain available until expended.

1 GRANTS TO ADDRESS SUBSTANCE USE DURING COVID-19
2 SEC. 30633.

3 (a) IN GENERAL.—The Assistant Secretary for Men-
4 tal Health and Substance Use of the Department of
5 Health and Human Services (in this section referred to
6 as the “Assistant Secretary”), in consultation with the Di-
7 rector of the Centers for Disease Control and Prevention,
8 shall award grants to States, political subdivisions of
9 States, Tribes, Tribal organizations, and community-based
10 entities to address the harms of drug misuse, including
11 by—

12 (1) preventing and controlling the spread of in-
13 fectious diseases, such as HIV/AIDS and viral hepa-
14 titis, and the consequences of such diseases for indi-
15 viduals with substance use disorder;

16 (2) connecting individuals at risk for or with a
17 substance use disorder to overdose education, coun-
18 seling, and health education; or

19 (3) encouraging such individuals to take steps
20 to reduce the negative personal and public health
21 impacts of substance use or misuse during the emer-
22 gency period.

23 (b) CONSIDERATIONS.—In awarding grants under
24 this section, the Assistant Secretary shall prioritize grants
25 to applicants proposing to serve areas with—

1 (1) a high proportion of people who meet cri-
2 teria for dependence on or abuse of illicit drugs who
3 have not received any treatment;

4 (2) high drug overdose death rates;

5 (3) high telemedicine infrastructure needs; and

6 (4) high behavioral health and substance use
7 disorder workforce needs.

8 (c) DEFINITION.—In this section, the term “emer-
9 gency period” has the meaning given to such term in sec-
10 tion 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
11 1320b–5(g)(1)(B))).

12 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
13 out this section, there is authorized to be appropriated
14 \$10,000,000, to remain available until expended.

15 GRANTS TO SUPPORT INCREASED BEHAVIORAL HEALTH

16 NEEDS DUE TO COVID–19

17 SEC. 30634.

18 (a) IN GENERAL.—The Secretary, acting through the
19 Assistant Secretary of Mental Health and Substance Use,
20 shall award grants to States, political subdivisions of
21 States, Indian Tribes and Tribal organizations, commu-
22 nity-based entities, and primary care and behavioral
23 health organizations to address behavioral health needs
24 caused by the public health emergency declared pursuant
25 to section 319 of the Public Health Service Act (42 U.S.C.
26 247d) with respect to COVID–19.

1 (b) USE OF FUNDS.—An entity that receives a grant
2 under subsection (a) may use funds received through such
3 grant to—

4 (1) increase behavioral health treatment and
5 prevention capacity, including to—

6 (A) promote coordination among local enti-
7 ties;

8 (B) train the behavioral health workforce,
9 relevant stakeholders, and community members;

10 (C) upgrade technology to support effective
11 delivery of health care services through tele-
12 health modalities;

13 (D) purchase medical supplies and equip-
14 ment for behavioral health treatment entities
15 and providers;

16 (E) address surge capacity for behavioral
17 health needs such as through mobile units; and

18 (F) promote collaboration between primary
19 care and mental health providers; and

20 (2) support or enhance behavioral health serv-
21 ices, including—

22 (A) emergency crisis intervention, includ-
23 ing mobile crisis units, 24/7 crisis call centers,
24 and medically staffed crisis stabilization pro-
25 grams;

1 (B) screening, assessment, diagnosis, and
2 treatment;

3 (C) mental health awareness trainings;

4 (D) evidence-based suicide prevention;

5 (E) evidence-based integrated care models;

6 (F) community recovery supports;

7 (G) outreach to underserved and minority
8 communities; and

9 (H) for front line health care workers.

10 (c) PRIORITY.—The Secretary shall give priority to
11 applicants proposing to serve areas with a high number
12 of COVID–19 cases.

13 (d) EVALUATION.—An entity that receives a grant
14 under this section shall prepare and submit an evaluation
15 to the Secretary at such time, in such manner, and con-
16 taining such information as the Secretary may reasonably
17 require, including—

18 (1) an evaluation of activities carried out with
19 funds received through the grant; and

20 (2) a process and outcome evaluation.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
22 out this section, there is authorized to be appropriated
23 \$50,000,000 for each of fiscal years 2020 and 2021, to
24 remain available until expended.

1 Subtitle C—Assistance to Tribes

2 IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH

3 SECURITY

4 SEC. 30641.

5 Section 319C–1 of the Public Health Service Act (42
6 U.S.C. 247d–3a) is amended—

7 (1) in the section heading, by striking “**AND**
8 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B), by striking
12 “or” at the end;

13 (ii) in subparagraph (C), by striking
14 “and” at the end and inserting “or”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(D) be an Indian Tribe, Tribal organiza-
18 tion, or a consortium of Indian Tribes or Tribal
19 organizations; and”;

20 (B) in paragraph (2)—

21 (i) in the matter preceding subpara-
22 graph (A), by inserting “, as applicable”
23 after “including”;

24 (ii) in subparagraph (A)(viii)—

1 (I) by inserting “and Tribal”
2 after “with State”;

3 (II) by striking “(as defined in
4 section 8101 of the Elementary and
5 Secondary Education Act of 1965)”
6 and inserting “and Tribal educational
7 agencies (as defined in sections 8101
8 and 6132, respectively, of the Elemen-
9 tary and Secondary Education Act of
10 1965)”;

11 (III) by inserting “and Tribal”
12 after “and State”;

13 (iii) in subparagraph (G), by striking
14 “and tribal” and inserting “Tribal, and
15 urban Indian organization”;

16 (iv) in subparagraph (H), by inserting
17 “, Indian Tribes, and urban Indian organi-
18 zations” after “public health”;

19 (3) in subsection (e), by inserting “Indian
20 Tribes, Tribal organizations, urban Indian organiza-
21 tions,” after “local emergency plans,”;

22 (4) in subsection (g)(1), by striking “tribal offi-
23 cials” and inserting “Tribal officials”;

24 (5) in subsection (h)—

25 (A) in paragraph (1)(A)—

1 (i) by striking “through 2023” and
2 inserting “and 2020”; and

3 (ii) by inserting before the period “;
4 and \$690,000,000 for each of fiscal years
5 2021 through 2023 for awards pursuant to
6 paragraph (3) (subject to the authority of
7 the Secretary to make awards pursuant to
8 paragraphs (4) and (5)) and paragraph
9 (8), of which not less than \$5,000,000
10 shall be reserved each fiscal year for
11 awards under paragraph (8)”;

12 (B) in subsection (h)(2)(B), by striking
13 “tribal public” and inserting “Tribal public”;

14 (C) in the heading of paragraph (3), by in-
15 serting “FOR STATES” after “AMOUNT”; and

16 (D) by adding at the end the following:

17 “(8) TRIBAL ELIGIBLE ENTITIES.—

18 “(A) DETERMINATION OF FUNDING
19 AMOUNT.—

20 “(i) IN GENERAL.—The Secretary
21 shall award at least 10 cooperative agree-
22 ments under this section, in amounts not
23 less than the minimum amount determined
24 under clause (ii), to eligible entities de-
25 scribed in subsection (b)(1)(D) that sub-

1 mits to the Secretary an application that
2 meets the criteria of the Secretary for the
3 receipt of such an award and that meets
4 other reasonable implementation conditions
5 established by the Secretary, in consulta-
6 tion with Indian Tribes, for such awards.
7 If the Secretary receives more than 10 ap-
8 plications under this section from eligible
9 entities described in subsection (b)(1)(D)
10 that meet the criteria and conditions de-
11 scribed in the previous sentence, the Sec-
12 retary, in consultation with Indian Tribes,
13 may make additional awards under this
14 section to such entities.

15 “(ii) MINIMUM AMOUNT.—In deter-
16 mining the minimum amount of an award
17 pursuant to clause (i), the Secretary, in
18 consultation with Indian Tribes, shall first
19 determine an amount the Secretary con-
20 siders appropriate for the eligible entity.

21 “(B) AVAILABLE UNTIL EXPENDED.—
22 Amounts provided to a Tribal eligible entity
23 under a cooperative agreement under this sec-
24 tion for a fiscal year and remaining unobligated
25 at the end of such year shall remain available

1 to such entity during the entirety of the per-
2 formance period, for the purposes for which
3 said funds were provided.

4 “(C) NO MATCHING REQUIREMENT.—Sub-
5 paragraphs (B), (C), and (D) of paragraph (1)
6 shall not apply with respect to cooperative
7 agreements awarded under this section to eligi-
8 ble entities described in subsection (b)(1)(D).”;
9 and

10 (6) by adding at the end the following:

11 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE
12 ENTITIES.—

13 “(1) MODIFICATIONS.—After consultation with
14 Indian Tribes, the Secretary may make necessary
15 and appropriate modifications to the program under
16 this section to facilitate the use of the cooperative
17 agreement program by eligible entities described in
18 subsection (b)(1)(D).

19 “(2) WAIVERS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary may waive or
22 specify alternative requirements for any provi-
23 sion of this section (including regulations) that
24 the Secretary administers in connection with
25 this section if the Secretary finds that the waiv-

1 er or alternative requirement is necessary for
2 the effective delivery and administration of this
3 program with respect to eligible entities de-
4 scribed in subsection (b)(1)(D).

5 “(B) EXCEPTION.—The Secretary may not
6 waive or specify alternative requirements under
7 subparagraph (A) relating to labor standards or
8 the environment.

9 “(3) CONSULTATION.—The Secretary shall con-
10 sult with Indian Tribes and Tribal organizations on
11 the design of this program with respect to such
12 Tribes and organizations to ensure the effectiveness
13 of the program in enhancing the security of Indian
14 Tribes with respect to public health emergencies.

15 “(4) REPORTING.—

16 “(A) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this subsection,
18 and as an addendum to the biennial evaluations
19 required under subsection (k), the Secretary, in
20 coordination with the Director of the Indian
21 Health Service, shall—

22 “(i) conduct a review of the implemen-
23 tation of this section with respect to eligi-
24 ble entities described in subsection

1 (b)(1)(D), including any factors that may
2 have limited its success; and

3 “(ii) submit a report describing the
4 results of the review described in clause (i)
5 to—

6 “(I) the Committee on Indian Af-
7 fairs, the Committee on Health, Edu-
8 cation, Labor and Pensions, and the
9 Committee on Appropriations of the
10 Senate; and

11 “(II) the Subcommittee for In-
12 digenous Peoples of the United States
13 of the Committee on Natural Re-
14 sources, the Committee on Energy
15 and Commerce, and the Committee on
16 Appropriations of the House of Rep-
17 resentatives.

18 “(B) ANALYSIS OF TRIBAL PUBLIC
19 HEALTH EMERGENCY INFRASTRUCTURE LIM-
20 TATION.—The Secretary shall include in the
21 initial report submitted under subparagraph (A)
22 a description of any public health emergency in-
23 frastructure limitation encountered by eligible
24 entities described in subsection (b)(1)(D).”.

1 (1) in subsection (a)(1), by inserting “urban In-
2 dian organizations,” before “and tribal organiza-
3 tions”; and

4 (2) in subsection (c)—

5 (A) by inserting “urban Indian organiza-
6 tion,” before “or tribal organization”; and

7 (B) by inserting “an urban Indian organi-
8 zation,” before “or a tribal organization”.

9 PROPER AND REIMBURSED CARE FOR NATIVE VETERANS
10 SEC. 30644.

11 Section 405(c) of the Indian Health Care Improve-
12 ment Act (25 U.S.C. 1645(c)) is amended by inserting be-
13 fore the period at the end the following: “, regardless of
14 whether such services are provided directly by the Service,
15 an Indian tribe, or tribal organization, through contract
16 health services, or through a contract for travel described
17 in section 213(b)”.

18 AMENDMENT TO THE INDIAN HEALTH CARE
19 IMPROVEMENT ACT

20 SEC. 30645.

21 Section 409 of the Indian Health Care Improvement
22 Act (25 U.S.C. 1647b) is amended by inserting “or the
23 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
24 et seq.)” after “(25 U.S.C. 450 et seq.)”.

1 **DIVISION D—RETIREMENT**
2 **PROVISIONS**

3 **SEC. 40001. SHORT TITLE.**

4 This division may be cited as the “Emergency Pen-
5 sion Plan Relief Act of 2020”.

6 **TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS**
7

8 **SEC. 40101. SPECIAL PARTITION RELIEF.**

9 (a) **APPROPRIATION.**—Section 4005 of the Employee
10 Retirement Income Security Act of 1974 (29 U.S.C. 1305)
11 is amended by adding at the end the following:

12 “(i)(1) An eighth fund shall be established for parti-
13 tion assistance to multiemployer pension plans, as pro-
14 vided under section 4233A, and to pay for necessary ad-
15 ministrative and operating expenses relating to such as-
16 sistance.

17 “(2) There is appropriated from the general fund
18 such amounts as necessary for the costs of providing parti-
19 tion assistance under section 4233A and necessary admin-
20 istrative and operating expenses. The eighth fund estab-
21 lished under this subsection shall be credited with such
22 amounts from time to time as the Secretary of the Treas-
23 ury determines appropriate, from the general fund of the
24 Treasury, and such amounts shall remain available until
25 expended.”.

1 (b) SPECIAL PARTITION AUTHORITY.—The Em-
2 ployee Retirement Income Security Act of 1974 (29
3 U.S.C. 1001 et seq.) is amended by inserting after section
4 4233 the following:

5 **“SEC. 4233A. SPECIAL PARTITION RELIEF.**

6 “(a) SPECIAL PARTITION AUTHORITY.—

7 “(1) IN GENERAL.—Upon the application of a
8 plan sponsor of an eligible multiemployer plan for
9 partition of the plan under this section, the corpora-
10 tion shall order a partition of the plan in accordance
11 with this section.

12 “(2) INAPPLICABILITY OF CERTAIN REPAYMENT
13 OBLIGATION.—A plan receiving partition assistance
14 pursuant to this section shall not be subject to re-
15 payment obligations under section 4261(b)(2).

16 “(b) ELIGIBLE PLANS.—

17 “(1) IN GENERAL.—For purposes of this sec-
18 tion, a multiemployer plan is an eligible multiem-
19 ployer plan if—

20 “(A) the plan is in critical and declining
21 status (within the meaning of section
22 305(b)(6)) in any plan year beginning in 2020
23 through 2024;

24 “(B) a suspension of benefits has been ap-
25 proved with respect to the plan under section

1 305(e)(9) as of the date of the enactment of
2 this section;

3 “(C) in any plan year beginning in 2020
4 through 2024, the plan is certified by the plan
5 actuary to be in critical status (within the
6 meaning of section 305(b)(2)), has a modified
7 funded percentage of less than 40 percent, and
8 has a ratio of active to inactive participants
9 which is less than 2 to 3; or

10 “(D) the plan is insolvent for purposes of
11 section 418E of the Internal Revenue Code of
12 1986 as of the date of enactment of this sec-
13 tion, if the plan became insolvent after Decem-
14 ber 16, 2014, and has not been terminated by
15 such date of enactment.

16 “(2) MODIFIED FUNDED PERCENTAGE.—For
17 purposes of paragraph (1)(C), the term ‘modified
18 funded percentage’ means the percentage equal to a
19 fraction the numerator of which is current value of
20 plan assets (as defined in section 3(26) of such Act)
21 and the denominator of which is current liabilities
22 (as defined in section 431(e)(6)(D) of such Code and
23 section 304(e)(6)(D) of such Act).

24 “(c) APPLICATIONS FOR SPECIAL PARTITION.—

1 “(1) GUIDANCE.—The corporation shall issue
2 guidance setting forth requirements for special parti-
3 tion applications under this section not later than
4 120 days after the date of the enactment of this sec-
5 tion. In such guidance, the corporation shall—

6 “(A) limit the materials required for a spe-
7 cial partition application to the minimum nec-
8 essary to make a determination on the applica-
9 tion; and

10 “(B) provide for an alternate application
11 for special partition under this section, which
12 may be used by a plan that has been approved
13 for a partition under section 4233 before the
14 date of enactment of this section.

15 “(2) TEMPORARY PRIORITY CONSIDERATION OF
16 APPLICATIONS.—

17 “(A) IN GENERAL.—The corporation may
18 specify in guidance under paragraph (1) that,
19 during the first 2 years following the date of
20 enactment of this section, special partition ap-
21 plications will be provided priority consider-
22 ation, if—

23 “(i) the plan is likely to become insol-
24 vent within 5 years of the date of enact-
25 ment of this section;

1 “(ii) the corporation projects a plan to
2 have a present value of financial assistance
3 payments under section 4261 that exceeds
4 \$1,000,000,000 if the special partition is
5 not ordered;

6 “(iii) the plan has implemented ben-
7 efit suspensions under section 305(e)(9) as
8 of the date of the enactment of this sec-
9 tion; or

10 “(iv) the corporation determines it ap-
11 propriate based on other circumstances.

12 “(B) NO EFFECT ON AMOUNT OF ASSIST-
13 ANCE.—A plan that is approved for special par-
14 tition assistance under this section shall not re-
15 ceive reduced special partition assistance on ac-
16 count of not receiving priority consideration
17 under subparagraph (A).

18 “(3) ACTUARIAL ASSUMPTIONS AND OTHER IN-
19 FORMATION.—The corporation shall accept assump-
20 tions incorporated in a multiemployer plan’s deter-
21 mination that it is in critical status or critical and
22 declining status (within the meaning of section
23 305(b)), or that the plan’s modified funded percent-
24 age is less than 40 percent, unless such assumptions
25 are clearly erroneous. The corporation may require

1 such other information as the corporation deter-
2 mines appropriate for making a determination of eli-
3 gibility and the amount of special partition assist-
4 ance necessary under this section.

5 “(4) APPLICATION DEADLINE.—Any application
6 by a plan for special partition assistance under this
7 section shall be submitted no later than December
8 31, 2026, and any revised application for special
9 partition assistance shall be submitted no later than
10 December 31, 2027.

11 “(5) NOTICE OF APPLICATION.—Not later than
12 120 days after the date of enactment of this section,
13 the corporation shall issue guidance requiring multi-
14 employer plans to notify participants and bene-
15 ficiaries that the plan has applied for partition
16 under this section, after the corporation has deter-
17 mined that the application is complete. Such notice
18 shall reference the special partition relief internet
19 website described in subsection (p).

20 “(d) DETERMINATIONS ON APPLICATIONS.—A plan’s
21 application for special partition under this section that is
22 timely filed in accordance with guidance issued under sub-
23 section (c)(1) shall be deemed approved and the corpora-
24 tion shall issue a special partition order unless the cor-
25 poration notifies the plan within 120 days of the filing

1 of the application that the application is incomplete or the
2 plan is not eligible under this section. Such notice shall
3 specify the reasons the plan is ineligible for a special parti-
4 tion or information needed to complete the application. If
5 a plan is denied partition under this subsection, the plan
6 may submit a revised application under this section. Any
7 revised application for special partition submitted by a
8 plan shall be deemed approved unless the corporation noti-
9 fies the plan within 120 days of the filing of the revised
10 application that the application is incomplete or the plan
11 is not eligible under this section. A special partition order
12 issued by the corporation shall be effective no later than
13 120 days after a plan's special partition application is ap-
14 proved by the corporation or deemed approved.

15 “(e) AMOUNT AND MANNER OF SPECIAL PARTITION
16 ASSISTANCE.—

17 “(1) IN GENERAL.—The liabilities of an eligible
18 multiemployer plan that the corporation assumes
19 pursuant to a special partition order under this sec-
20 tion shall be the amount necessary for the plan to
21 meet its funding goals described in subsection (g).

22 “(2) NO CAP.—Liabilities assumed by the cor-
23 poration pursuant to a special partition order under
24 this section shall not be capped by the guarantee

1 under section 4022A. The corporation shall have dis-
2 cretion on how liabilities of the plan are partitioned.

3 “(f) SUCCESSOR PLAN.—

4 “(1) IN GENERAL.—The plan created by a spe-
5 cial partition order under this section is a successor
6 plan to which section 4022A applies.

7 “(2) PLAN SPONSOR AND ADMINISTRATOR.—

8 The plan sponsor of an eligible multiemployer plan
9 prior to the special partition and the administrator
10 of such plan shall be the plan sponsor and the ad-
11 ministrator, respectively, of the plan created by the
12 partition.

13 “(g) FUNDING GOALS.—

14 “(1) IN GENERAL.—The funding goals of a
15 multiemployer plan eligible for partition under this
16 section are both of the following:

17 “(A) The plan will remain solvent over 30
18 years with no reduction in a participant’s or
19 beneficiary’s accrued benefit (except to the ex-
20 tent of a reduction in accordance with section
21 305(e)(8) adopted prior to the plan’s applica-
22 tion for partition under this section).

23 “(B) The funded percentage of the plan
24 (disregarding partitioned benefits) at the end of
25 the 30-year period is projected to be 80 percent.

1 “(2) BASIS.—The funding projections under
2 paragraph (1) shall be performed on a deterministic
3 basis.

4 “(h) RESTORATION OF BENEFIT SUSPENSIONS.—An
5 eligible multiemployer plan that is partitioned under this
6 section shall—

7 “(1) reinstate any benefits that were suspended
8 under section 305(e)(9) or section 4245(a), effective
9 as of the first month the special partition order is
10 effective, for participants or beneficiaries as of the
11 effective date of the partition; and

12 “(2) provide payments equal to the amount of
13 benefits previously suspended to any participants or
14 beneficiaries in pay status as of the effective date of
15 the special partition, payable in the form of a lump
16 sum within 3 months of such effective date or in
17 equal monthly installments over a period of 5 years,
18 with no adjustment for interest.

19 “(i) ADJUSTMENT OF SPECIAL PARTITION ASSIST-
20 ANCE.—

21 “(1) IN GENERAL.—Every 5 years, the corpora-
22 tion shall adjust the special partition assistance de-
23 scribed in subsection (e) as necessary for the eligible
24 multiemployer plan to satisfy the funding goals de-
25 scribed in subsection (g). If the 30 year period de-

1 scribed in subsection (g) has lapsed, in applying this
2 paragraph, 5 years shall be substituted for 30 years.

3 “(2) SUBMISSION OF INFORMATION.—An eligi-
4 ble multiemployer plan that is the subject of a spe-
5 cial partition order under subsection (a) shall submit
6 such information as the corporation may require to
7 determine the amount of the adjustment under para-
8 graph (1).

9 “(3) CESSATION OF ADJUSTMENTS.—Adjust-
10 ments under this subsection with respect to special
11 partition assistance for an eligible multiemployer
12 plan shall cease and the corporation shall perma-
13 nently assume liability for payment of any benefits
14 transferred to the successor plan (subject to sub-
15 section (l)) beginning with the first plan year that
16 the funded percentage of the eligible multiemployer
17 plan (disregarding partitioned benefits) is at least
18 80 percent and the plan’s projected funded percent-
19 age for each of the next 10 years is at least 80 per-
20 cent. Any accumulated funding deficiency of the
21 plan (within the meaning of section 304(a)) shall be
22 reduced to zero as of the first day of the plan year
23 for which partition assistance is permanent under
24 this paragraph.

25 “(j) CONDITIONS ON PLANS DURING PARTITION.—

1 “(1) IN GENERAL.—The corporation may im-
2 pose, by regulation, reasonable conditions on an eli-
3 gible multiemployer plan that is partitioned under
4 section (a) relating to increases in future accrual
5 rates and any retroactive benefit improvements, allo-
6 cation of plan assets, reductions in employer con-
7 tribution rates, diversion of contributions to, and al-
8 location of, expenses to other retirement plans, and
9 withdrawal liability.

10 “(2) LIMITATIONS.—The corporation shall not
11 impose conditions on an eligible multiemployer plan
12 as a condition of or following receipt of such parti-
13 tion assistance under this section relating to—

14 “(A) any reduction in plan benefits (in-
15 cluding benefits that may be adjusted pursuant
16 to section 305(e)(8));

17 “(B) plan governance, including selection
18 of, removal of, and terms of contracts with,
19 trustees, actuaries, investment managers, and
20 other service providers; or

21 “(C) any funding rules relating to the plan
22 that is partitioned under this section.

23 “(3) CONDITION.—An eligible multiemployer
24 plan that is partitioned under subsection (a) shall
25 continue to pay all premiums due under section

1 4007 for participants and beneficiaries in the plan
2 created by a special partition order until the plan
3 year beginning after a cessation of adjustments ap-
4 plies under subsection (i).

5 “(k) WITHDRAWAL LIABILITY.—An employer’s with-
6 drawal liability for purposes of this title shall be calculated
7 taking into account any plan liabilities that are partitioned
8 under subsection (a) until the plan year beginning after
9 the expiration of 15 calendar years from the effective date
10 of the partition.

11 “(l) CESSATION OF PARTITION ASSISTANCE.—If a
12 plan that receives partition assistance under this section
13 becomes insolvent for purposes of section 418E of the In-
14 ternal Revenue Code of 1986, the plan shall no longer be
15 eligible for assistance under this section and shall be eligi-
16 ble for assistance under section 4261.

17 “(m) REPORTING.—An eligible multiemployer plan
18 that receives partition assistance under this section shall
19 file with the corporation a report, including the following
20 information, in such manner (which may include electronic
21 filing requirements) and at such time as the corporation
22 requires:

23 “(1) The funded percentage (as defined in sec-
24 tion 305(j)(2)) as of the first day of such plan year,
25 and the underlying actuarial value of assets and li-

1 abilities taken into account in determining such per-
2 centage.

3 “(2) The market value of the assets of the plan
4 (determined as provided in paragraph (1)) as of the
5 last day of the plan year preceding such plan year.

6 “(3) The total value of all contributions made
7 by employers and employees during the plan year
8 preceding such plan year.

9 “(4) The total value of all benefits paid during
10 the plan year preceding such plan year.

11 “(5) Cash flow projections for such plan year
12 and the 9 succeeding plan years, and the assump-
13 tions used in making such projections.

14 “(6) Funding standard account projections for
15 such plan year and the 9 succeeding plan years, and
16 the assumptions relied upon in making such projec-
17 tions.

18 “(7) The total value of all investment gains or
19 losses during the plan year preceding such plan year.

20 “(8) Any significant reduction in the number of
21 active participants during the plan year preceding
22 such plan year, and the reason for such reduction.

23 “(9) A list of employers that withdrew from the
24 plan in the plan year preceding such plan year, the

1 payment schedule with respect to such withdrawal li-
2 ability, and the resulting reduction in contributions.

3 “(10) A list of employers that paid withdrawal
4 liability to the plan during the plan year preceding
5 such plan year and, for each employer, a total as-
6 sessment of the withdrawal liability paid, the annual
7 payment amount, and the number of years remain-
8 ing in the payment schedule with respect to such
9 withdrawal liability.

10 “(11) Any material changes to benefits, accrual
11 rates, or contribution rates during the plan year pre-
12 ceding such plan year, and whether such changes re-
13 late to the conditions of the partition assistance.

14 “(12) Details regarding any funding improve-
15 ment plan or rehabilitation plan and updates to such
16 plan.

17 “(13) The number of participants and bene-
18 ficiaries during the plan year preceding such plan
19 year who are active participants, the number of par-
20 ticipants and beneficiaries in pay status, and the
21 number of terminated vested participants and bene-
22 ficiaries.

23 “(14) The information contained on the most
24 recent annual funding notice submitted by the plan
25 under section 101(f).

1 “(15) The information contained on the most
2 recent annual return under section 6058 of the In-
3 ternal Revenue Code of 1986 and actuarial report
4 under section 6059 of such Code of the plan.

5 “(16) Copies of the plan document and amend-
6 ments, other retirement benefit or ancillary benefit
7 plans relating to the plan and contribution obliga-
8 tions under such plans, a breakdown of administra-
9 tive expenses of the plan, participant census data
10 and distribution of benefits, the most recent actu-
11 arial valuation report as of the plan year, financial
12 reports, and copies of the portions of collective bar-
13 gaining agreements relating to plan contributions,
14 funding coverage, or benefits, and such other infor-
15 mation as the corporation may reasonably require.

16 Any information disclosed by a plan to the corporation
17 that could identify individual employers shall be confiden-
18 tial and not subject to publication or disclosure.

19 “(n) REPORT TO CONGRESS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this section and annually
22 thereafter, the board of directors of the corporation
23 shall submit to the Committee on Health, Edu-
24 cation, Labor, and Pensions and the Committee on
25 Finance of the Senate and the Committee on Edu-

1 cation and Labor and the Committee on Ways and
2 Means of the House of Representatives a detailed re-
3 port on the implementation and administration of
4 this section. Such report shall include—

5 “(A) information on the name and number
6 of multiemployer plans that have applied for
7 partition assistance under this section;

8 “(B) the name and number of such plans
9 that have been approved for partition assistance
10 under this section and the name and number of
11 the plans that have not been approved for spe-
12 cial partition assistance;

13 “(C) a detailed rationale for any decision
14 by the corporation to not approve an applica-
15 tion for special partition assistance;

16 “(D) the amount of special partition as-
17 sistance provided to eligible multiemployer
18 plans (including amounts provided on an indi-
19 vidual plan basis and in the aggregate);

20 “(E) the name and number of the multi-
21 employer plans that restored benefit suspen-
22 sions and provided lump sum or monthly in-
23 stallment payments to participants or bene-
24 ficiaries;

1 “(F) the amount of benefits that were re-
2 stored and lump sum or monthly installment
3 payments that were paid (including amounts
4 provided on an individual plan basis and in the
5 aggregate);

6 “(G) the name and number of the plans
7 that received adjustments to partition assist-
8 ance under subsection (i);

9 “(H) a list of, and rationale for, each rea-
10 sonable condition imposed by the corporation on
11 plans approved for special partition assistance
12 under this section;

13 “(I) the contracts that have been awarded
14 by the corporation to implement or administer
15 this section;

16 “(J) the number, purpose, and dollar
17 amounts of the contracts that have been award-
18 ed to implement or administer the section;

19 “(K) a detailed summary of the reports re-
20 quired under subsection (m); and

21 “(L) a detailed summary of the feedback
22 received on the pension relief internet website
23 established under subsection (p).

24 “(2) PBGC CERTIFICATION.—The board of di-
25 rectors of the corporation shall include with the re-

1 port under paragraph (1) a certification and affir-
2 mation that the amount of special partition assist-
3 ance provided to each plan under this section is the
4 amount necessary to meet its funding goals under
5 subsection (g), including, if applicable, any adjust-
6 ment of special partition assistance as determined
7 under subsection (i).

8 “(3) CONFIDENTIALITY.—Congress may pub-
9 licize the reports received under paragraph (1) only
10 after redacting all sensitive or proprietary informa-
11 tion.

12 “(o) GAO REPORT.—Not later than 1 year after the
13 first partition application is approved by the corporation
14 under this section, and biennially thereafter, the Comp-
15 troller General of the United States shall submit to the
16 Committee on Health, Education, Labor, and Pensions
17 and the Committee on Finance of the Senate and the
18 Committee on Education and Labor and the Committee
19 on Ways and Means of the House of Representatives a
20 detailed report on the actions of the corporation to imple-
21 ment and administer this section, including an examina-
22 tion of the contracts awarded by such corporation to carry
23 out this section and an analysis of such corporation’s com-
24 pliance with subsections (e) and (g).

25 “(p) SPECIAL PARTITION RELIEF WEBSITE.—

1 “(1) ESTABLISHMENT.—Not later than 120
2 days after the date of enactment of this section, the
3 corporation shall establish and maintain a user-
4 friendly, public-facing internet website to foster
5 greater accountability and transparency in the im-
6 plementation and administration of this section.

7 “(2) PURPOSE.—The internet website estab-
8 lished and maintained under paragraph (1) shall be
9 a portal to key information relating to this section
10 for multiemployer plan administrators and trustees,
11 plan participants, beneficiaries, participating em-
12 ployers, other stakeholders, and the public.

13 “(3) CONTENT AND FUNCTION.—The internet
14 website established under paragraph (1) shall—

15 “(A) describe the nature and scope of the
16 special partition authority and assistance under
17 this section in a manner calculated to be under-
18 stood by the average plan participant;

19 “(B) include published guidance, regula-
20 tions, and all other relevant information on the
21 implementation and administration of this sec-
22 tion;

23 “(C) include, with respect to plan applica-
24 tions for special partition assistance—

1 “(i) a general description of the pro-
2 cess by which eligible plans can apply for
3 special partition assistance, information on
4 how and when the corporation will process
5 and consider plan applications;

6 “(ii) information on how the corpora-
7 tion will address any incomplete applica-
8 tions as specified in under this section;

9 “(iii) a list of the plans that have ap-
10 plied for special partition assistance and,
11 for each application, the date of submis-
12 sion of a completed application;

13 “(iv) the text of each plan’s completed
14 application for special partition assistance
15 with appropriate redactions of personal,
16 proprietary, or sensitive information;

17 “(v) the estimated date that a deci-
18 sion will be made by the corporation on
19 each application;

20 “(vi) the actual date when such deci-
21 sion is made;

22 “(vii) the corporation’s decision on
23 each application; and

1 “(viii) as applicable, a detailed ration-
2 ale for any decision not to approve a plan’s
3 application for special partition assistance;

4 “(D) provide detailed information on each
5 contract solicited and awarded to implement or
6 administer this section;

7 “(E) include reports, audits, and other rel-
8 evant oversight and accountability information
9 on this section, including the annual reports
10 submitted by the board of directors of the cor-
11 poration to Congress required under subsection
12 (n), the Office of the Inspector General audits,
13 correspondence, and publications, and the Gov-
14 ernment Accountability Office reports under
15 subsection (o);

16 “(F) provide a clear means for multiem-
17 ployer plan administrators, plan participants,
18 beneficiaries, other stakeholders, and the public
19 to contact the corporation and provide feedback
20 on the implementation and administration of
21 this section; and

22 “(G) be regularly updated to carry out the
23 purposes of this subsection.

24 “(q) OFFICE OF INSPECTOR GENERAL.—There is au-
25 thorized to be appropriated to the corporation’s Office of

1 Inspector General \$24,000,000 for fiscal year 2020, which
2 shall remain available through September 30, 2028, for
3 salaries and expenses necessary for conducting investiga-
4 tions and audits of the implementation and administration
5 of this section.

6 “(r) APPLICATION OF EXCISE TAX.—During the pe-
7 riod that a plan is subject to a partition order under this
8 section and prior to a cessation of adjustments pursuant
9 to subsection (i)(3), the plan shall not be subject to section
10 4971 of the Internal Revenue Code of 1986.”.

11 **SEC. 40102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTI-**
12 **EMPLOYER PLANS IN CRITICAL AND DECLIN-**
13 **ING STATUS.**

14 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
15 1986.—Paragraph (9) of section 432(e) of the Internal
16 Revenue Code of 1986 is repealed.

17 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
18 COME SECURITY ACT OF 1974.—Paragraph (9) of section
19 305(e) of the Employee Retirement Income Security Act
20 of 1974 (29 U.S.C. 1085(e)) is repealed.

21 (c) EFFECTIVE DATE.—The repeals made by this
22 section shall not apply to plans that have been approved
23 for a suspension of benefit under section 432(e)(9)(G) of
24 the Internal Revenue Code of 1986 and section
25 305(e)(9)(G) of the Employee Retirement Income Security

1 Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date
2 of the enactment of this Act.

3 **SEC. 40103. TEMPORARY DELAY OF DESIGNATION OF MUL-**
4 **TIEMPLOYER PLANS AS IN ENDANGERED,**
5 **CRITICAL, OR CRITICAL AND DECLINING STA-**
6 **TUS.**

7 (a) IN GENERAL.—Notwithstanding the actuarial
8 certification under section 305(b)(3) of the Employee Re-
9 tirement Income Security Act of 1974 and section
10 432(b)(3) of the Internal Revenue Code of 1986, if a plan
11 sponsor of a multiemployer plan elects the application of
12 this section, then, for purposes of section 305 of such Act
13 and section 432 of such Code—

14 (1) the status of the plan for its first plan year
15 beginning during the period beginning on March 1,
16 2020, and ending on February 28, 2021, or the next
17 succeeding plan year (as designated by the plan
18 sponsor in such election), shall be the same as the
19 status of such plan under such sections for the plan
20 year preceding such designated plan year, and

21 (2) in the case of a plan which was in endan-
22 gered or critical status for the plan year preceding
23 the designated plan year described in paragraph (1),
24 the plan shall not be required to update its plan or
25 schedules under section 305(c)(6) of such Act and

1 section 432(e)(6) of such Code, or section
2 305(e)(3)(B) of such Act and section 432(e)(3)(B)
3 of such Code, whichever is applicable, until the plan
4 year following the designated plan year described in
5 paragraph (1).

6 If section 305 of the Employee Retirement Income Secu-
7 rity Act of 1974 and section 432 of the Internal Revenue
8 Code of 1986 did not apply to the plan year preceding
9 the designated plan year described in paragraph (1), the
10 plan actuary shall make a certification of the status of
11 the plan under section 305(b)(3) of such Act and section
12 432(b)(3) of such Code for the preceding plan year in the
13 same manner as if such sections had applied to such pre-
14 ceding plan year.

15 (b) EXCEPTION FOR PLANS BECOMING CRITICAL
16 DURING ELECTION.—If—

17 (1) an election was made under subsection (a)
18 with respect to a multiemployer plan, and

19 (2) such plan has, without regard to such elec-
20 tion, been certified by the plan actuary under section
21 305(b)(3) of the Employee Retirement Income Secu-
22 rity Act of 1974 and section 432(b)(3) of the Inter-
23 nal Revenue Code of 1986 to be in critical status for
24 the designated plan year described in subsection
25 (a)(1), then such plan shall be treated as a plan in

1 critical status for such plan year for purposes of ap-
2 plying section 4971(g)(1)(A) of such Code, section
3 302(b)(3) of such Act (without regard to the second
4 sentence thereof), and section 412(b)(3) of such
5 Code (without regard to the second sentence there-
6 of).

7 (c) ELECTION AND NOTICE.—

8 (1) ELECTION.—An election under subsection
9 (a)—

10 (A) shall be made at such time and in such
11 manner as the Secretary of the Treasury or the
12 Secretary's delegate may prescribe and, once
13 made, may be revoked only with the consent of
14 the Secretary, and

15 (B) if made—

16 (i) before the date the annual certifi-
17 cation is submitted to the Secretary or the
18 Secretary's delegate under section
19 305(b)(3) of such Act and section
20 432(b)(3) of such Code, shall be included
21 with such annual certification, and

22 (ii) after such date, shall be submitted
23 to the Secretary or the Secretary's delegate
24 not later than 30 days after the date of the
25 election.

1 (2) NOTICE TO PARTICIPANTS.—

2 (A) IN GENERAL.—Notwithstanding sec-
3 tion 305(b)(3)(D) of the Employee Retirement
4 Income Security Act of 1974 and section
5 432(b)(3)(D) of the Internal Revenue Code of
6 1986, if the plan is neither in endangered nor
7 critical status by reason of an election made
8 under subsection (a)—

9 (i) the plan sponsor of a multiem-
10 ployer plan shall not be required to provide
11 notice under such sections, and

12 (ii) the plan sponsor shall provide to
13 the participants and beneficiaries, the bar-
14 gaining parties, the Pension Benefit Guar-
15 anty Corporation, and the Secretary of
16 Labor a notice of the election under sub-
17 section (a) and such other information as
18 the Secretary of the Treasury (in consulta-
19 tion with the Secretary of Labor) may re-
20 quire—

21 (I) if the election is made before
22 the date the annual certification is
23 submitted to the Secretary or the Sec-
24 retary's delegate under section
25 305(b)(3) of such Act and section

1 432(b)(3) of such Code, not later than
2 30 days after the date of the certifi-
3 cation, and

4 (II) if the election is made after
5 such date, not later than 30 days
6 after the date of the election.

7 (B) NOTICE OF ENDANGERED STATUS.—
8 Notwithstanding section 305(b)(3)(D) of such
9 Act and section 432(b)(3)(D) of such Code, if
10 the plan is certified to be in critical status for
11 any plan year but is in endangered status by
12 reason of an election made under subsection
13 (a), the notice provided under such sections
14 shall be the notice which would have been pro-
15 vided if the plan had been certified to be in en-
16 dangered status.

17 **SEC. 40104. TEMPORARY EXTENSION OF THE FUNDING IM-**
18 **PROVEMENT AND REHABILITATION PERIODS**
19 **FOR MULTIEMPLOYER PENSION PLANS IN**
20 **CRITICAL AND ENDANGERED STATUS FOR**
21 **2020 OR 2021.**

22 (a) IN GENERAL.—If the plan sponsor of a multiem-
23 ployer plan which is in endangered or critical status for
24 a plan year beginning in 2020 or 2021 (determined after
25 application of section 4) elects the application of this sec-

1 tion, then, for purposes of section 305 of the Employee
2 Retirement Income Security Act of 1974 and section 432
3 of the Internal Revenue Code of 1986—

4 (1) except as provided in paragraph (2), the
5 plan's funding improvement period or rehabilitation
6 period, whichever is applicable, shall be 15 years
7 rather than 10 years, and

8 (2) in the case of a plan in seriously endan-
9 gered status, the plan's funding improvement period
10 shall be 20 years rather than 15 years.

11 (b) DEFINITIONS AND SPECIAL RULES.—For pur-
12 poses of this section—

13 (1) ELECTION.—An election under this section
14 shall be made at such time, and in such manner and
15 form, as (in consultation with the Secretary of
16 Labor) the Secretary of the Treasury or the Sec-
17 retary's delegate may prescribe.

18 (2) DEFINITIONS.—Any term which is used in
19 this section which is also used in section 305 of the
20 Employee Retirement Income Security Act of 1974
21 and section 432 of the Internal Revenue Code of
22 1986 shall have the same meaning as when used in
23 such sections.

24 (c) EFFECTIVE DATE.—This section shall apply to
25 plan years beginning after December 31, 2019.

1 **SEC. 40105. ADJUSTMENTS TO FUNDING STANDARD AC-**
2 **COUNT RULES.**

3 (a) ADJUSTMENTS.—

4 (1) AMENDMENT TO EMPLOYEE RETIREMENT
5 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)
6 of the Employee Retirement Income Security Act of
7 1974 (29 U.S.C. 1084(b)) is amended by adding at
8 the end the following new subparagraph:

9 “(F) RELIEF FOR 2020 AND 2021.—A mul-
10 tiemployer plan with respect to which the sol-
11 vency test under subparagraph (C) is met as of
12 February 29, 2020, may elect to apply this
13 paragraph by substituting ‘February 29, 2020’
14 for ‘August 31, 2008’ each place it appears in
15 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
16 (without regard to whether such plan previously
17 elected the application of this paragraph). The
18 preceding sentence shall not apply to a plan
19 with respect to which a partition order is in ef-
20 fect under section 4233A.”.

21 (2) AMENDMENT TO INTERNAL REVENUE CODE
22 OF 1986.—Section 431(b)(8) of the Internal Revenue
23 Code of 1986 is amended by adding at the end the
24 following new subparagraph:

25 “(F) RELIEF FOR 2020 AND 2021.—A mul-
26 tiemployer plan with respect to which the sol-

1 vency test under subparagraph (C) is met as of
2 February 29, 2020, may elect to apply this
3 paragraph by substituting ‘February 29, 2020’
4 for ‘August 31, 2008’ each place it appears in
5 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
6 (without regard to whether such plan previously
7 elected the application of this paragraph). The
8 preceding sentence shall not apply to a plan
9 with respect to which a partition order is in ef-
10 fect under section 4233A of the Employee Re-
11 tirement Income Security Act of 1974.”.

12 (b) EFFECTIVE DATES.—

13 (1) IN GENERAL.—The amendments made by
14 this section shall take effect as of the first day of
15 the first plan year ending on or after February 29,
16 2020, except that any election a plan makes pursu-
17 ant to this section that affects the plan’s funding
18 standard account for the first plan year beginning
19 after February 29, 2020, shall be disregarded for
20 purposes of applying the provisions of section 305 of
21 the Employee Retirement Income Security Act of
22 1974 and section 432 of the Internal Revenue Code
23 of 1986 to such plan year.

24 (2) RESTRICTIONS ON BENEFIT INCREASES.—

25 Notwithstanding paragraph (1), the restrictions on

1 plan amendments increasing benefits in sections
2 304(b)(8)(D) of such Act and 431(b)(8)(D) of such
3 Code, as applied by the amendments made by this
4 section, shall take effect on the date of enactment of
5 this Act.

6 **SEC. 40106. PBGC GUARANTEE FOR PARTICIPANTS IN MUL-**
7 **TIEMPLOYER PLANS.**

8 Section 4022A(c)(1) of the Employee Retirement In-
9 come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is
10 amended by striking subparagraphs (A) and (B) and in-
11 serting the following:

12 “(A) 100 percent of the accrual rate up to
13 \$15, plus 75 percent of the lesser of—

14 “(i) \$70; or

15 “(ii) the accrual rate, if any, in excess
16 of \$15; and

17 “(B) the number of the participant’s years
18 of credited service.

19 For each calendar year after the first full calendar
20 year following the date of the enactment of the
21 Emergency Pension Plan Relief Act of 2020, the ac-
22 crual rates in subparagraph (A) shall increase by the
23 national average wage index (as defined in section
24 209(k)(1) of the Social Security Act). For purposes
25 of this subsection, the rates applicable for deter-

1 mining the guaranteed benefits of the participants of
2 any plan shall be the rates in effect for the calendar
3 year in which the plan becomes insolvent under sec-
4 tion 4245 or the calendar year in which the plan is
5 terminated, if earlier.”

6 **TITLE II—RELIEF FOR SINGLE**
7 **EMPLOYER PENSION PLANS**

8 **SEC. 40201. EXTENDED AMORTIZATION FOR SINGLE EM-**
9 **PLOYER PLANS.**

10 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
11 REVENUE CODE OF 1986.—Section 430(c) of the Internal
12 Revenue Code of 1986 is amended by adding at the end
13 the following new paragraph:

14 “(8) 15-YEAR AMORTIZATION.—With respect to
15 plan years beginning after December 31, 2019—

16 “(A) the shortfall amortization bases for
17 all plan years preceding the first plan year be-
18 ginning after December 31, 2019 (and all
19 shortfall amortization installments determined
20 with respect to such bases) shall be reduced to
21 zero, and

22 “(B) subparagraphs (A) and (B) of para-
23 graph (2) shall each be applied by substituting
24 ‘15-plan-year period’ for ‘7-plan-year period’.”

1 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
2 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
3 303(c) of the Employee Retirement Income Security Act
4 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
5 end the following new paragraph:

6 “(8) 15-YEAR AMORTIZATION.—With respect to
7 plan years beginning after December 31, 2019—

8 “(A) the shortfall amortization bases for
9 all plan years preceding the first plan year be-
10 ginning after December 31, 2019 (and all
11 shortfall amortization installments determined
12 with respect to such bases) shall be reduced to
13 zero, and

14 “(B) subparagraphs (A) and (B) of para-
15 graph (2) shall each be applied by substituting
16 ‘15-plan-year period’ for ‘7-plan-year period’.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to plan years beginning after De-
19 cember 31, 2019.

20 **SEC. 40202. EXTENSION OF PENSION FUNDING STABILIZA-**
21 **TION PERCENTAGES FOR SINGLE EMPLOYER**
22 **PLANS.**

23 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
24 1986.—

1 (1) IN GENERAL.—The table contained in sub-
 2 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
 3 nal Revenue Code of 1986 is amended to read as fol-
 4 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019	90%	110%
Any year in the period starting in 2020 and end- ing in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

5 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
 6 (I) of section 430(h)(2)(C)(iv) of such Code is
 7 amended by adding at the end the following: “Not-
 8 withstanding anything in this subclause, if the aver-
 9 age of the first, second, or third segment rate for
 10 any 25-year period is less than 5 percent, such aver-
 11 age shall be deemed to be 5 percent.”.

12 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
 13 COME SECURITY ACT OF 1974.—

14 (1) IN GENERAL.—The table contained in sub-
 15 clause (II) of section 303(h)(2)(C)(iv) of the Em-
 16 ployee Retirement Income Security Act of 1974 (29
 17 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
 18 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) IN GENERAL.—Section 101(f)(2)(D) of
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
4 ed—

5 (i) in clause (i) by striking “and the
6 Bipartisan Budget Act of 2015” both
7 places it appears and inserting “, the Bi-
8 partisan Budget Act of 2015, and the
9 Emergency Pension Plan Relief Act of
10 2020”, and

11 (ii) in clause (ii) by striking “2023”
12 and inserting “2029”.

13 (B) STATEMENTS.—The Secretary of
14 Labor shall modify the statements required
15 under subclauses (I) and (II) of section
16 101(f)(2)(D)(i) of such Act to conform to the
17 amendments made by this section.

1 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause
2 (I) of section 303(h)(2)(C)(iv) of such Act (29
3 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding
4 at the end the following: “Notwithstanding anything
5 in this subclause, if the average of the first, second,
6 or third segment rate for any 25-year period is less
7 than 5 percent, such average shall be deemed to be
8 5 percent.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to plan years begin-
11 ning after December 31, 2019.

12 **TITLE III—OTHER RETIREMENT** 13 **RELATED PROVISIONS**

14 **SEC. 40301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS FOR 2019.**

16 (a) IN GENERAL.—Section 401(a)(9)(I)(i) of the In-
17 ternal Revenue Code of 1986 is amended by striking “cal-
18 endar year 2020” and inserting “calendar years 2019 and
19 2020”.

20 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
21 402(c)(4) of such Code is amended by striking “2020”
22 each place it appears in the last sentence and inserting
23 “2019 or 2020”.

24 (c) CONFORMING AMENDMENTS.—Section
25 401(a)(9)(I) of such Code is amended—

1 (1) by striking clause (ii) and redesignating
2 clause (iii) as clause (ii), and

3 (2) by striking “calendar year 2020” in clause
4 (ii)(II), as so redesignated, and inserting “calendar
5 years 2019 and 2020”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect as if included in the enact-
8 ment of section 2203 of the Coronavirus Aid, Relief, and
9 Economic Security Act, except that subparagraph (c)(1)
10 thereof shall be applied by substituting “December 31,
11 2018” for “December 31, 2019”.

12 **SEC. 40302. WAIVER OF 60-DAY RULE IN CASE OF ROLL-**
13 **OVER OF OTHERWISE REQUIRED MINIMUM**
14 **DISTRIBUTIONS IN 2019 OR 2020.**

15 (a) QUALIFIED TRUSTS.—402(c)(3) of the Internal
16 Revenue Code of 1986 is amended by adding at the end
17 the following new subparagraph:

18 “(D) EXCEPTION FOR ROLLOVER OF OTH-
19 ERWISE REQUIRED MINIMUM DISTRIBUTIONS IN
20 2019 OR 2020.—In the case of an eligible roll-
21 over distribution described in the second sen-
22 tence of paragraph (4), subparagraph (A) shall
23 not apply to any transfer of such distribution
24 made before December 1, 2020.”.

1 (b) INDIVIDUAL RETIREMENT ACCOUNTS.—Section
2 408(d)(3) of such Code is amended by adding at the end
3 the following new subparagraph:

4 “(J) WAIVER OF 60-DAY RULE AND ONCE
5 PER-YEAR LIMITATION FOR CERTAIN 2019 AND
6 2020 ROLLOVERS.—In the case of a distribu-
7 tion during 2019 or 2020 to which, under sub-
8 paragraph (E), this paragraph would not have
9 applied had the minimum distribution require-
10 ments of section 401(a)(9) applied during such
11 years, the 60-day requirement under subpara-
12 graph (A) and the limitation under subpara-
13 graph (B) shall not apply to such distribution
14 to the extent the amount is paid into an indi-
15 vidual retirement account, individual retirement
16 annuity (other than an endowment contract), or
17 eligible retirement plan (as defined in subpara-
18 graph (A)) as otherwise required under such
19 subparagraph before December 1, 2020.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2018.

1 **SEC. 40303. EMPLOYEE CERTIFICATION AS TO ELIGIBILITY**
2 **FOR INCREASED CARES ACT LOAN LIMITS**
3 **FROM EMPLOYER PLAN.**

4 (a) IN GENERAL.—Section 2202(b) of the
5 Coronavirus Aid, Relief, and Economic Security Act is
6 amended by adding at the end the following new para-
7 graph:

8 “(4) EMPLOYEE CERTIFICATION.—The admin-
9 istrator of a qualified employer plan may rely on an
10 employee’s certification that the requirements of
11 subsection (a)(4)(A)(ii) are satisfied in determining
12 whether the employee is a qualified individual for
13 purposes of this subsection.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect as if included in the enact-
16 ment of section 2202(b) of the Coronavirus Aid, Relief,
17 and Economic Security Act.

18 **SEC. 40304. EXCLUSION OF BENEFITS PROVIDED TO VOL-**
19 **UNTEER FIREFIGHTERS AND EMERGENCY**
20 **MEDICAL RESPONDERS MADE PERMANENT.**

21 (a) IN GENERAL.—Section 139B of the Internal Rev-
22 enue Code of 1986 is amended by striking subsection (d).

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to taxable years beginning after
25 December 31, 2020.

1 **SEC. 40305. APPLICATION OF SPECIAL RULES TO MONEY**
2 **PURCHASE PENSION PLANS.**

3 Section 2202(a)(6)(B) of the Coronavirus Aid, Relief,
4 and Economic Security Act is amended by inserting “,
5 and, in the case of a money purchase pension plan, a
6 coronavirus-related distribution which is an in-service
7 withdrawal shall be treated as meeting the distribution
8 rules of section 401(a) of such Code” before the period.

9 **SEC. 40306. GRANTS TO ASSIST LOW-INCOME WOMEN AND**
10 **SURVIVORS OF DOMESTIC VIOLENCE IN OB-**
11 **TAINING QUALIFIED DOMESTIC RELATIONS**
12 **ORDERS.**

13 (a) **AUTHORIZATION OF GRANT AWARDS.**—The Sec-
14 retary of Labor, acting through the Director of the Wom-
15 en’s Bureau and in conjunction with the Assistant Sec-
16 retary of the Employee Benefits Security Administration,
17 shall award grants, on a competitive basis, to eligible enti-
18 ties to enable such entities to assist low-income women
19 and survivors of domestic violence in obtaining qualified
20 domestic relations orders and ensuring that those women
21 actually obtain the benefits to which they are entitled
22 through those orders.

23 (b) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
24 tion, the term “eligible entity” means a community-based
25 organization with proven experience and expertise in serv-

1 ing women and the financial and retirement needs of
2 women.

3 (c) APPLICATION.—An eligible entity that desires to
4 receive a grant under this section shall submit an applica-
5 tion to the Secretary of Labor at such time, in such man-
6 ner, and accompanied by such information as the Sec-
7 retary of Labor may require.

8 (d) MINIMUM GRANT AMOUNT.—The Secretary of
9 Labor shall award grants under this section in amounts
10 of not less than \$250,000.

11 (e) USE OF FUNDS.—An eligible entity that receives
12 a grant under this section shall use the grant funds to
13 develop programs to offer help to low-income women or
14 survivors of domestic violence who need assistance in pre-
15 paring, obtaining, and effectuating a qualified domestic re-
16 lations order.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$100,000,000 for fiscal year 2020 and each succeeding
20 fiscal year.

21 **SEC. 40307. MODIFICATION OF SPECIAL RULES FOR MIN-**
22 **IMUM FUNDING STANDARDS FOR COMMU-**
23 **NITY NEWSPAPER PLANS.**

24 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
25 1986.—Subsection (m) of section 430 of the Internal Rev-

1 enue Code of 1986, as added by the Setting Every Com-
2 munity Up for Retirement Enhancement Act of 2019, is
3 amended to read as follows:

4 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
5 PLANS.—

6 “(1) IN GENERAL.—An eligible newspaper plan
7 sponsor of a plan under which no participant has
8 had the participant’s accrued benefit increased
9 (whether because of service or compensation) after
10 April 2, 2019, may elect to have the alternative
11 standards described in paragraph (4) apply to such
12 plan.

13 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
14 The term ‘eligible newspaper plan sponsor’ means
15 the plan sponsor of—

16 “(A) any community newspaper plan, or

17 “(B) any other plan sponsored, as of April
18 2, 2019, by a member of the same controlled
19 group of a plan sponsor of a community news-
20 paper plan if such member is in the trade or
21 business of publishing 1 or more newspapers.

22 “(3) ELECTION.—An election under paragraph
23 (1) shall be made at such time and in such manner
24 as prescribed by the Secretary. Such election, once
25 made with respect to a plan year, shall apply to all

1 subsequent plan years unless revoked with the con-
2 sent of the Secretary.

3 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
4 ARDS.—The alternative standards described in this
5 paragraph are the following:

6 “(A) INTEREST RATES.—

7 “(i) IN GENERAL.—Notwithstanding
8 subsection (h)(2)(C) and except as pro-
9 vided in clause (ii), the first, second, and
10 third segment rates in effect for any
11 month for purposes of this section shall be
12 8 percent.

13 “(ii) NEW BENEFIT ACCRUALS.—Not-
14 withstanding subsection (h)(2), for pur-
15 poses of determining the funding target
16 and normal cost of a plan for any plan
17 year, the present value of any benefits ac-
18 crued or earned under the plan for a plan
19 year with respect to which an election
20 under paragraph (1) is in effect shall be
21 determined on the basis of the United
22 States Treasury obligation yield curve for
23 the day that is the valuation date of such
24 plan for such plan year.

1 “(iii) UNITED STATES TREASURY OB-
2 LIGATION YIELD CURVE.—For purposes of
3 this subsection, the term ‘United States
4 Treasury obligation yield curve’ means,
5 with respect to any day, a yield curve
6 which shall be prescribed by the Secretary
7 for such day on interest-bearing obligations
8 of the United States.

9 “(B) SHORTFALL AMORTIZATION BASE.—

10 “(i) PREVIOUS SHORTFALL AMORTIZA-
11 TION BASES.—The shortfall amortization
12 bases determined under subsection (c)(3)
13 for all plan years preceding the first plan
14 year to which the election under paragraph
15 (1) applies (and all shortfall amortization
16 installments determined with respect to
17 such bases) shall be reduced to zero under
18 rules similar to the rules of subsection
19 (c)(6).

20 “(ii) NEW SHORTFALL AMORTIZATION
21 BASE.—Notwithstanding subsection (c)(3),
22 the shortfall amortization base for the first
23 plan year to which the election under para-
24 graph (1) applies shall be the funding
25 shortfall of such plan for such plan year

1 (determined using the interest rates as
2 modified under subparagraph (A)).

3 “(C) DETERMINATION OF SHORTFALL AM-
4 ORTIZATION INSTALLMENTS.—

5 “(i) 30-YEAR PERIOD.—Subpara-
6 graphs (A) and (B) of subsection (c)(2)
7 shall be applied by substituting ‘30-plan-
8 year’ for ‘7-plan-year’ each place it ap-
9 pears.

10 “(ii) NO SPECIAL ELECTION.—The
11 election under subparagraph (D) of sub-
12 section (c)(2) shall not apply to any plan
13 year to which the election under paragraph
14 (1) applies.

15 “(D) EXEMPTION FROM AT-RISK TREAT-
16 MENT.—Subsection (i) shall not apply.

17 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
18 poses of this subsection—

19 “(A) IN GENERAL.—The term ‘community
20 newspaper plan’ means any plan to which this
21 section applies maintained as of December 31,
22 2018, by an employer which—

23 “(i) maintains the plan on behalf of
24 participants and beneficiaries with respect
25 to employment in the trade or business of

1 publishing 1 or more newspapers which
2 were published by the employer at any
3 time during the 11-year period ending on
4 the date of the enactment of this sub-
5 section,

6 “(ii)(I) is not a company the stock of
7 which is publicly traded (on a stock ex-
8 change or in an over-the-counter market),
9 and is not controlled, directly or indirectly,
10 by such a company, or

11 “(II) is controlled, directly or indi-
12 rectly, during the entire 30-year period
13 ending on the date of the enactment of this
14 subsection by individuals who are members
15 of the same family, and does not publish or
16 distribute a daily newspaper that is car-
17 rier-distributed in printed form in more
18 than 5 States, and

19 “(iii) is controlled, directly or indi-
20 rectly—

21 “(I) by 1 or more persons resid-
22 ing primarily in a State in which the
23 community newspaper has been pub-
24 lished on newsprint or carrier-distrib-
25 uted,

1 “(II) during the entire 30-year
2 period ending on the date of the en-
3 actment of this subsection by individ-
4 uals who are members of the same
5 family,

6 “(III) by 1 or more trusts, the
7 sole trustees of which are persons de-
8 scribed in subclause (I) or (II), or

9 “(IV) by a combination of per-
10 sons described in subclause (I), (II),
11 or (III).

12 “(B) NEWSPAPER.—The term ‘newspaper’
13 does not include any newspaper (determined
14 without regard to this subparagraph) to which
15 any of the following apply:

16 “(i) Is not in general circulation.

17 “(ii) Is published (on newsprint or
18 electronically) less frequently than 3 times
19 per week.

20 “(iii) Has not ever been regularly
21 published on newsprint.

22 “(iv) Does not have a bona fide list of
23 paid subscribers.

24 “(C) CONTROL.—A person shall be treated
25 as controlled by another person if such other

1 person possesses, directly or indirectly, the
2 power to direct or cause the direction and man-
3 agement of such person (including the power to
4 elect a majority of the members of the board of
5 directors of such person) through the ownership
6 of voting securities.

7 “(6) CONTROLLED GROUP.—For purposes of
8 this subsection, the term ‘controlled group’ means all
9 persons treated as a single employer under sub-
10 section (b), (c), (m), or (o) of section 414 as of the
11 date of the enactment of this subsection.”.

12 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
13 COME SECURITY ACT OF 1974.—Subsection (m) of section
14 303 of the Employee Retirement Income Security Act of
15 1974 (29 U.S.C. 1083(m)), as added by the Setting Every
16 Community Up for Retirement Enhancement Act of 2019,
17 is amended to read as follows:

18 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
19 PLANS.—

20 “(1) IN GENERAL.—An eligible newspaper plan
21 sponsor of a plan under which no participant has
22 had the participant’s accrued benefit increased
23 (whether because of service or compensation) after
24 April 2, 2019, may elect to have the alternative

1 standards described in paragraph (4) apply to such
2 plan.

3 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
4 The term ‘eligible newspaper plan sponsor’ means
5 the plan sponsor of—

6 “(A) any community newspaper plan, or

7 “(B) any other plan sponsored, as of April
8 2, 2019, by a member of the same controlled
9 group of a plan sponsor of a community news-
10 paper plan if such member is in the trade or
11 business of publishing 1 or more newspapers.

12 “(3) ELECTION.—An election under paragraph
13 (1) shall be made at such time and in such manner
14 as prescribed by the Secretary of the Treasury. Such
15 election, once made with respect to a plan year, shall
16 apply to all subsequent plan years unless revoked
17 with the consent of the Secretary of the Treasury.

18 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
19 ARDS.—The alternative standards described in this
20 paragraph are the following:

21 “(A) INTEREST RATES.—

22 “(i) IN GENERAL.—Notwithstanding
23 subsection (h)(2)(C) and except as pro-
24 vided in clause (ii), the first, second, and
25 third segment rates in effect for any

1 month for purposes of this section shall be
2 8 percent.

3 “(ii) NEW BENEFIT ACCRUALS.—Not-
4 withstanding subsection (h)(2), for pur-
5 poses of determining the funding target
6 and normal cost of a plan for any plan
7 year, the present value of any benefits ac-
8 crued or earned under the plan for a plan
9 year with respect to which an election
10 under paragraph (1) is in effect shall be
11 determined on the basis of the United
12 States Treasury obligation yield curve for
13 the day that is the valuation date of such
14 plan for such plan year.

15 “(iii) UNITED STATES TREASURY OB-
16 LIGATION YIELD CURVE.—For purposes of
17 this subsection, the term ‘United States
18 Treasury obligation yield curve’ means,
19 with respect to any day, a yield curve
20 which shall be prescribed by the Secretary
21 of the Treasury for such day on interest-
22 bearing obligations of the United States.

23 “(B) SHORTFALL AMORTIZATION BASE.—

24 “(i) PREVIOUS SHORTFALL AMORTIZA-
25 TION BASES.—The shortfall amortization

1 bases determined under subsection (c)(3)
2 for all plan years preceding the first plan
3 year to which the election under paragraph
4 (1) applies (and all shortfall amortization
5 installments determined with respect to
6 such bases) shall be reduced to zero under
7 rules similar to the rules of subsection
8 (c)(6).

9 “(ii) NEW SHORTFALL AMORTIZATION
10 BASE.—Notwithstanding subsection (c)(3),
11 the shortfall amortization base for the first
12 plan year to which the election under para-
13 graph (1) applies shall be the funding
14 shortfall of such plan for such plan year
15 (determined using the interest rates as
16 modified under subparagraph (A)).

17 “(C) DETERMINATION OF SHORTFALL AM-
18 ORTIZATION INSTALLMENTS.—

19 “(i) 30-YEAR PERIOD.—Subpara-
20 graphs (A) and (B) of subsection (c)(2)
21 shall be applied by substituting ‘30-plan-
22 year’ for ‘7-plan-year’ each place it ap-
23 pears.

24 “(ii) NO SPECIAL ELECTION.—The
25 election under subparagraph (D) of sub-

1 section (c)(2) shall not apply to any plan
2 year to which the election under paragraph
3 (1) applies.

4 “(D) EXEMPTION FROM AT-RISK TREAT-
5 MENT.—Subsection (i) shall not apply.

6 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
7 poses of this subsection—

8 “(A) IN GENERAL.—The term ‘community
9 newspaper plan’ means a plan to which this sec-
10 tion applies maintained as of December 31,
11 2018, by an employer which—

12 “(i) maintains the plan on behalf of
13 participants and beneficiaries with respect
14 to employment in the trade or business of
15 publishing 1 or more newspapers which
16 were published by the employer at any
17 time during the 11-year period ending on
18 the date of the enactment of this sub-
19 section,

20 “(ii)(I) is not a company the stock of
21 which is publicly traded (on a stock ex-
22 change or in an over-the-counter market),
23 and is not controlled, directly or indirectly,
24 by such a company, or

1 “(II) is controlled, directly, or indi-
2 rectly, during the entire 30-year period
3 ending on the date of the enactment of this
4 subsection by individuals who are members
5 of the same family, and does not publish or
6 distribute a daily newspaper that is car-
7 rier-distributed in printed form in more
8 than 5 States, and

9 “(iii) is controlled, directly, or indi-
10 rectly—

11 “(I) by 1 or more persons resid-
12 ing primarily in a State in which the
13 community newspaper has been pub-
14 lished on newsprint or carrier-distrib-
15 uted,

16 “(II) during the entire 30-year
17 period ending on the date of the en-
18 actment of this subsection by individ-
19 uals who are members of the same
20 family,

21 “(III) by 1 or more trusts, the
22 sole trustees of which are persons de-
23 scribed in subclause (I) or (II), or

1 “(IV) by a combination of per-
2 sons described in subclause (I), (II),
3 or (III).

4 “(B) NEWSPAPER.—The term ‘newspaper’
5 does not include any newspaper (determined
6 without regard to this subparagraph) to which
7 any of the following apply:

8 “(i) Is not in general circulation.

9 “(ii) Is published (on newsprint or
10 electronically) less frequently than 3 times
11 per week.

12 “(iii) Has not ever been regularly
13 published on newsprint.

14 “(iv) Does not have a bona fide list of
15 paid subscribers.

16 “(C) CONTROL.—A person shall be treated
17 as controlled by another person if such other
18 person possesses, directly or indirectly, the
19 power to direct or cause the direction and man-
20 agement of such person (including the power to
21 elect a majority of the members of the board of
22 directors of such person) through the ownership
23 of voting securities.

24 “(6) CONTROLLED GROUP.—For purposes of
25 this subsection, the term ‘controlled group’ means all

1 persons treated as a single employer under sub-
2 section (b), (c), (m), or (o) of section 414 of the In-
3 ternal Revenue Code of 1986 as of the date of the
4 enactment of this subsection.

5 “(7) EFFECT ON PREMIUM RATE CALCULA-
6 TION.—Notwithstanding any other provision of law
7 or any regulation issued by the Pension Benefit
8 Guaranty Corporation, in the case of a plan for
9 which an election is made to apply the alternative
10 standards described in paragraph (3), the additional
11 premium under section 4006(a)(3)(E) shall be deter-
12 mined as if such election had not been made.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to plan years ending after Decem-
15 ber 31, 2017.

16 **SEC. 40308. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
17 **TERMINATIONS RELATED TO LIFE INSUR-**
18 **ANCE CONTRACTS.**

19 (a) MODIFICATION OF MINIMUM RATE FOR PUR-
20 POSES OF CASH VALUE ACCUMULATION TEST.—

21 (1) IN GENERAL.—Section 7702(b)(2)(A) of the
22 Internal Revenue Code of 1986 is amended by strik-
23 ing “an annual effective rate of 4 percent” and in-
24 serting “the applicable accumulation test minimum
25 rate”.

1 (2) APPLICABLE ACCUMULATION TEST MIN-
2 IMUM RATE.—Section 7702(b) of such Code is
3 amended by adding at the end the following new
4 paragraph:

5 “(3) APPLICABLE ACCUMULATION TEST MIN-
6 IMUM RATE.—For purposes of paragraph (2)(A), the
7 term ‘applicable accumulation test minimum rate’
8 means the lesser of—

9 “(A) an annual effective rate of 4 percent,
10 or

11 “(B) the insurance interest rate (as de-
12 fined in subsection (f)(11)) in effect at the time
13 the contract is issued.”.

14 (b) MODIFICATION OF MINIMUM RATE FOR PUR-
15 POSES OF GUIDELINE PREMIUM REQUIREMENTS.—

16 (1) IN GENERAL.—Section 7702(c)(3)(B)(iii) of
17 such Code is amended by striking “an annual effec-
18 tive rate of 6 percent” and inserting “the applicable
19 guideline premium minimum rate”.

20 (2) APPLICABLE GUIDELINE PREMIUM MIN-
21 IMUM RATE.—Section 7702(c)(3) of such Code is
22 amended by adding at the end the following new
23 subparagraph:

24 “(E) APPLICABLE GUIDELINE PREMIUM
25 MINIMUM RATE.—For purposes of subpara-

1 graph (B)(iii), the term ‘applicable guideline
2 premium minimum rate’ means the applicable
3 accumulation test minimum rate (as defined in
4 subsection (b)(3)) plus 2 percentage points.”.

5 (c) APPLICATION OF MODIFIED MINIMUM RATES TO
6 DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Sec-
7 tion 7702(c)(4) of such Code is amended—

8 (1) by striking “4 percent” and inserting “the
9 applicable accumulation test minimum rate”, and

10 (2) by striking “6 percent” and inserting “the
11 applicable guideline premium minimum rate”.

12 (d) INSURANCE INTEREST RATE.—Section 7702(f)
13 of such Code is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(11) INSURANCE INTEREST RATE.—For pur-
16 poses of this section—

17 “(A) IN GENERAL.—The term ‘insurance
18 interest rate’ means, with respect to any con-
19 tract issued in any calendar year, the lesser
20 of—

21 “(i) the section 7702 valuation inter-
22 est rate for such calendar year (or, if such
23 calendar year is not an adjustment year,
24 the most recent adjustment year), or

1 “(ii) the section 7702 applicable Fed-
2 eral interest rate for such calendar year
3 (or, if such calendar year is not an adjust-
4 ment year, the most recent adjustment
5 year).

6 “(B) SECTION 7702 VALUATION INTEREST
7 RATE.—The term ‘section 7702 valuation inter-
8 est rate’ means, with respect to any adjustment
9 year, the prescribed U.S. valuation interest rate
10 for life insurance with guaranteed durations of
11 more than 20 years (as defined in the National
12 Association of Insurance Commissioners’ Stand-
13 ard Valuation Law) as effective in the calendar
14 year immediately preceding such adjustment
15 year.

16 “(C) SECTION 7702 APPLICABLE FEDERAL
17 INTEREST RATE.—The term ‘section 7702 ap-
18 plicable Federal interest rate’ means, with re-
19 spect to any adjustment year, the average
20 (rounded to the nearest whole percentage point)
21 of the applicable Federal mid-term rates (as de-
22 fined in section 1274(d) but based on annual
23 compounding) effective as of the beginning of
24 each of the calendar months in the most recent

1 60-month period ending before the second cal-
2 endar year prior to such adjustment year.

3 “(D) ADJUSTMENT YEAR.—The term ‘ad-
4 justment year’ means the calendar year fol-
5 lowing any calendar year that includes the ef-
6 fective date of a change in the prescribed U.S.
7 valuation interest rate for life insurance with
8 guaranteed durations of more than 20 years (as
9 defined in the National Association of Insur-
10 ance Commissioners’ Standard Valuation Law).

11 “(E) TRANSITION RULE.—Notwith-
12 standing subparagraph (A), the insurance inter-
13 est rate shall be 2 percent in the case of any
14 contract which is issued during the period
15 that—

16 “(i) begins on January 1, 2021, and

17 “(i) ends immediately before the be-
18 ginning of the first adjustment year that
19 beings after December 31, 2021.”.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to contracts issued after December
22 31, 2020.

1 **DIVISION E—CONTINUED AS-**
2 **SISTANCE TO UNEMPLOYED**
3 **WORKERS**

4 **SEC. 50001. EXTENSION OF FEDERAL PANDEMIC UNEM-**
5 **PLOYMENT COMPENSATION.**

6 (a) IN GENERAL.—Section 2104(e) of the CARES
7 Act (Public Law 116–136) is amended to read as follows:

8 “(e) APPLICABILITY.—

9 “(1) IN GENERAL.—An agreement entered into
10 under this section shall apply to weeks of unemploy-
11 ment—

12 “(A) beginning after the date on which
13 such agreement is entered into; and

14 “(B) ending on or before January 31,
15 2021.

16 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
17 MAINING ENTITLED TO REGULAR COMPENSATION AS
18 OF JANUARY 31, 2021.—In the case of any individual
19 who, as of the date specified in paragraph (1)(B),
20 has not yet exhausted all rights to regular com-
21 pensation under the State law of a State with re-
22 spect to a benefit year that began before such date,
23 Federal Pandemic Unemployment Compensation
24 shall continue to be payable to such individual for
25 any week beginning on or after such date for which

1 the individual is otherwise eligible for regular com-
2 pensation with respect to such benefit year.

3 “(3) TERMINATION.—Notwithstanding any
4 other provision of this subsection, no Federal Pan-
5 demic Unemployment Compensation shall be payable
6 for any week beginning after March 31, 2021.”.

7 (b) LIMITATION ON APPLICATION OF TRANSITION
8 RULE.—Section 2104(g) of such Act is amended by in-
9 serting “(except for subsection (e)(2))” after “the pre-
10 ceding provisions of this section”.

11 (c) DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-
12 MENT COMPENSATION FOR CERTAIN PURPOSES.—Section
13 2104(h) of such Act is amended to read as follows:

14 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-
15 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-
16 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal
17 Pandemic Unemployment Compensation payment shall
18 not be regarded as income and shall not be regarded as
19 a resource for the month of receipt and the following 9
20 months, for purposes of determining the eligibility of the
21 recipient (or the recipient’s spouse or family) for benefits
22 or assistance, or the amount or extent of benefits or assist-
23 ance, under any Federal program or under any State or
24 local program financed in whole or in part with Federal
25 funds.”.

1 **SEC. 50002. EXTENSION AND BENEFIT PHASEOUT RULE**
2 **FOR PANDEMIC UNEMPLOYMENT ASSIST-**
3 **ANCE.**

4 Section 2102(c) of the CARES Act (Public Law 116–
5 136) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “paragraph (2)” and in-
8 serting “paragraphs (2) and (3)”; and

9 (B) in subparagraph (A)(ii), by striking
10 “December 31, 2020” and inserting “January
11 31, 2021”; and

12 (2) by redesignating paragraph (3) as para-
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) **TRANSITION RULE FOR INDIVIDUALS RE-**
17 **MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT**
18 **ASSISTANCE AS OF JANUARY 31, 2021.—**

19 “(A) **IN GENERAL.—**In the case of any in-
20 dividual who, as of the date specified in para-
21 graph (1)(A)(ii), is receiving Pandemic Unem-
22 ployment Assistance but has not yet exhausted
23 all rights to such assistance under this section,
24 Pandemic Unemployment Assistance shall con-
25 tinue to be payable to such individual for any
26 week beginning on or after such date for which

1 the individual is otherwise eligible for Pandemic
2 Unemployment Assistance.

3 “(B) TERMINATION.—Notwithstanding
4 any other provision of this subsection, no Pan-
5 demic Unemployment Assistance shall be pay-
6 able for any week beginning after March 31,
7 2021.”.

8 **SEC. 50003. EXTENSION AND BENEFIT PHASEOUT RULE**
9 **FOR PANDEMIC EMERGENCY UNEMPLOY-**
10 **MENT COMPENSATION.**

11 Section 2107(g) of the CARES Act (Public Law 116–
12 136) is amended to read as follows:

13 “(g) APPLICABILITY.—

14 “(1) IN GENERAL.—An agreement entered into
15 under this section shall apply to weeks of unemploy-
16 ment—

17 “(A) beginning after the date on which
18 such agreement is entered into; and

19 “(B) ending on or before January 31,
20 2021.

21 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
22 MAINING ENTITLED TO PANDEMIC EMERGENCY UN-
23 EMPLOYMENT COMPENSATION AS OF JANUARY 31,
24 2021.—In the case of any individual who, as of the
25 date specified in paragraph (1)(A)(ii), is receiving

1 Pandemic Emergency Unemployment Compensation
2 but has not yet exhausted all rights to such assist-
3 ance under this section, Pandemic Emergency Un-
4 employment Compensation shall continue to be pay-
5 able to such individual for any week beginning on or
6 after such date for which the individual is otherwise
7 eligible for Pandemic Emergency Unemployment
8 Compensation.

9 “(3) TERMINATION.—Notwithstanding any
10 other provision of this subsection, no Pandemic
11 Emergency Unemployment Compensation shall be
12 payable for any week beginning after March 31,
13 2021.”.

14 **SEC. 50004. EXTENSION OF FULL FEDERAL FUNDING OF**
15 **THE FIRST WEEK OF COMPENSABLE REG-**
16 **ULAR UNEMPLOYMENT FOR STATES WITH NO**
17 **WAITING WEEK.**

18 Section 2105(e)(2) of the CARES Act (Public Law
19 116–136) is amended by striking “December 31, 2020”
20 and inserting “January 31, 2021”.

1 **SEC. 50005. EXTENSION OF EMERGENCY RELIEF AND TECH-**
2 **NICAL CORRECTIONS FOR GOVERNMENTAL**
3 **ENTITIES AND NONPROFIT ORGANIZATIONS.**

4 Section 903(i)(1) of the Social Security Act, as added
5 by section 2103 of the CARES Act (Public Law 116–136),
6 is amended—

7 (1) in subparagraph (A), by striking “during
8 the applicable period” and inserting “with respect to
9 the applicable period”;

10 (2) in subparagraph (B), by striking “section
11 3309(a)(1)” and inserting “section 3309(a)”;

12 (3) in subparagraph (C), by striking “shall be
13 used exclusively” and all that follows through the
14 end and inserting “shall be used exclusively to re-
15 duce the amounts required to be paid in lieu of con-
16 tributions into the State unemployment fund pursu-
17 ant to such section by governmental entities and
18 other organizations described in section 3309(a) of
19 such Code”; and

20 (4) in subparagraph (D), by striking “Decem-
21 ber 31, 2020” and inserting “January 31, 2021”.

22 **SEC. 50006. REDUCTION OF STATE ADMINISTRATIVE BUR-**
23 **DEN IN DETERMINATION OF AMOUNT OF**
24 **PANDEMIC UNEMPLOYMENT ASSISTANCE.**

25 Section 2102(d) of the CARES Act (Public Law 116–
26 136) is amended by adding at the end the following:

1 “(4) STATE FLEXIBILITY IN ESTABLISHING IN-
2 COME.—In determining the income of an individual
3 for purposes of an application for assistance author-
4 ized under subsection (b), a State may rely on such
5 wage and self-employment data as the State may
6 elect, including any applicable data with respect to
7 an individual’s electronically mediated employment.”.

8 **SEC. 50007. EXTENSION OF TEMPORARY ASSISTANCE FOR**
9 **STATES WITH ADVANCES.**

10 Section 1202(b)(10)(A) of the Social Security Act
11 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
12 cember 31, 2020” and inserting “June 30, 2021”.

13 **SEC. 50008. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
14 **TENDED UNEMPLOYMENT COMPENSATION.**

15 Section 4105 of the Families First Coronavirus Re-
16 sponse Act (Public Law 116–127) is amended by striking
17 “December 31, 2020” each place it appears and inserting
18 “June 30, 2021”.

19 **SEC. 50009. EXTENSION OF TEMPORARY FINANCING OF**
20 **SHORT-TIME COMPENSATION PAYMENTS IN**
21 **STATES WITH PROGRAMS IN LAW.**

22 Section 2108(b)(2) of the CARES Act (Public Law
23 116–136) is amended by striking “December 31, 2020”
24 and inserting “January 31, 2021”.

1 **SEC. 50010. EXTENSION OF TEMPORARY FINANCING OF**
2 **SHORT-TIME COMPENSATION AGREEMENTS.**

3 Section 2109(d)(2) of the CARES Act (Public Law
4 116–136) is amended by striking “December 31, 2020”
5 and inserting “January 31, 2021”.

6 **SEC. 50011. GRACE PERIOD FOR FULL FINANCING OF**
7 **SHORT-TIME COMPENSATION PROGRAMS.**

8 Section 2108(c) of the CARES Act (Public Law 116–
9 136) is amended by striking “shall be eligible” and all that
10 follows through the end and inserting the following: “

11 “shall be eligible—

12 “(1) for payments under subsection (a) for
13 weeks of unemployment beginning after the effective
14 date of such enactment; and

15 “(2) for an additional payment equal to the
16 total amount of payments for which the State is eli-
17 gible pursuant to an agreement under section 2109
18 for weeks of unemployment before such effective
19 date.”.

1 **DIVISION F—ASSISTANCE TO AGRICUL-**
2 **TURAL PRODUCERS AND OTHER MAT-**
3 **TERS RELATING TO AGRICULTURE**

4 **SEC. 60001. DEFINITIONS.**

5 In this division:

6 (1) The term “COVID–19” means the disease
7 caused by SARS–CoV–2, or any viral strain mutat-
8 ing therefrom with pandemic potential.

9 (2) The term “Secretary” means the Secretary
10 of Agriculture.

11 **TITLE I—LIVESTOCK**

12 **SEC. 60101. ESTABLISHMENT OF TRUST FOR BENEFIT OF**
13 **UNPAID CASH SELLERS OF LIVESTOCK.**

14 The Packers and Stockyards Act, 1921, is amended
15 by inserting after section 317 (7 U.S.C. 217a) the fol-
16 lowing new section:

17 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

18 **“(a) ESTABLISHMENT.—**

19 **“(1) IN GENERAL.—**All livestock purchased by
20 a dealer in cash sales and all inventories of, or re-
21 ceivables or proceeds from, such livestock shall be
22 held by such dealer in trust for the benefit of all un-
23 paid cash sellers of such livestock until full payment
24 has been received by such unpaid cash sellers.

1 “(2) EXEMPTION.—Any dealer whose average
2 annual purchases of livestock do not exceed
3 \$100,000 shall be exempt from the provisions of this
4 section.

5 “(3) EFFECT OF DISHONORED INSTRU-
6 MENTS.—For purposes of determining full payment
7 under paragraph (1), a payment to an unpaid cash
8 seller shall not be considered to have been made if
9 the unpaid cash seller receives a payment instrument
10 that is dishonored.

11 “(b) PRESERVATION OF TRUST.—An unpaid cash
12 seller shall lose the benefit of a trust under subsection (a)
13 if the unpaid cash seller has not preserved the trust by
14 giving written notice to the dealer involved and filing such
15 notice with the Secretary—

16 “(1) within 30 days of the final date for mak-
17 ing a payment under section 409 in the event that
18 a payment instrument has not been received; or

19 “(2) within 15 business days after the date on
20 which the seller receives notice that the payment in-
21 strument promptly presented for payment has been
22 dishonored.

23 “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-
24 ceives notice under subsection (b) of the unpaid cash sell-
25 er’s intent to preserve the benefits of the trust, the dealer

1 shall, within 15 business days, give notice to all persons
2 who have recorded a security interest in, or lien on, the
3 livestock held in such trust.

4 “(d) CASH SALES DEFINED.—For the purpose of
5 this section, a cash sale means a sale in which the seller
6 does not expressly extend credit to the buyer.

7 “(e) PURCHASE OF LIVESTOCK SUBJECT TO
8 TRUST.—

9 “(1) IN GENERAL.—A person purchasing live-
10 stock subject to a dealer trust shall receive good title
11 to the livestock if the person receives the livestock—

12 “(A) in exchange for payment of new
13 value; and

14 “(B) in good faith without notice that the
15 transfer is a breach of trust.

16 “(2) DISHONORED PAYMENT INSTRUMENT.—
17 Payment shall not be considered to have been made
18 if a payment instrument given in exchange for the
19 livestock is dishonored.

20 “(3) TRANSFER IN SATISFACTION OF ANTE-
21 CEDENT DEBT.—A transfer of livestock subject to a
22 dealer trust is not for value if the transfer is in sat-
23 isfaction of an antecedent debt or to a secured party
24 pursuant to a security agreement.

1 “(f) ENFORCEMENT.—Whenever the Secretary has
2 reason to believe that a dealer subject to this section has
3 failed to perform the duties required by this section or
4 whenever the Secretary has reason to believe that it will
5 be in the best interest of unpaid cash sellers, the Secretary
6 shall do one or more of the following—

7 “(1) appoint an independent trustee to carry
8 out the duties required by this section, preserve
9 trust assets, and enforce the trust;

10 “(2) serve as independent trustee, preserve
11 trust assets, and enforce the trust; or

12 “(3) file suit in the United States district court
13 for the district in which the dealer resides to enjoin
14 the dealer’s failure to perform the duties required by
15 this section, preserve trust assets, and to enforce the
16 trust. Attorneys employed by the Secretary may,
17 with the approval of the Attorney General, represent
18 the Secretary in any such suit. Nothing herein shall
19 preclude unpaid sellers from filing suit to preserve
20 or enforce the trust.”.

21 **SEC. 60102. EMERGENCY ASSISTANCE FOR MARKET-READY**
22 **LIVESTOCK AND POULTRY LOSSES.**

23 (a) IN GENERAL.—The Secretary shall make pay-
24 ments to covered producers to offset losses related to the
25 intentional depopulation of market-ready livestock and

1 poultry due to insufficient regional processing access re-
2 lated to the COVID–19 public health emergency, as deter-
3 mined by the Secretary.

4 (b) PAYMENT RATE FOR COVERED PRODUCERS.—

5 (1) PAYMENTS FOR FIRST 30-DAY PERIOD.—

6 For a period of 30 days beginning, with respect to
7 a covered producer, on the initial date of depopula-
8 tion described in subsection (a) of the market-ready
9 livestock or poultry of the covered producer, the Sec-
10 retary shall reimburse such covered producer for 85
11 percent of the value of losses as determined under
12 subsection (c).

13 (2) SUBSEQUENT 30-DAY PERIODS.—For each
14 30-day period subsequent to the 30-day period de-
15 scribed in paragraph (1), the Secretary shall reduce
16 the value of the losses as determined under sub-
17 section (c) with respect to a covered producer by 10
18 percent.

19 (c) VALUATION.—In calculating the amount of losses
20 for purposes of the payment rates under subsection (b),
21 the Secretary shall use the average fair market value, as
22 determined by the Secretary in collaboration with the
23 Chief Economist of the Department of Agriculture and the
24 Administrator of the Agricultural Marketing Service, for
25 market-ready livestock, where applicable, and market-

1 ready poultry, where applicable, during the period begin-
2 ning March 1, 2020, and ending on the date of the enact-
3 ment of this section. In no case shall a payment made
4 under subsection (b) exceed the average market value of
5 market-ready livestock or poultry on the date of depopula-
6 tion.

7 (d) PACKER-OWNED ANIMALS EXCLUDED.—The Sec-
8 retary may not make payments under this section for the
9 losses of packer-owned animals.

10 (e) DEFINITIONS.—In this section:

11 (1) COVERED PRODUCER.—The term “covered
12 producer” means a person or legal entity that as-
13 sumes the production and market risks associated
14 with the agricultural production of livestock and
15 poultry (as such terms are defined in section 2(a) of
16 the Packers and Stockyards Act, 1921 (7 U.S.C.
17 183(a)).

18 (2) PACKER.—The term “packer” has the
19 meaning given the term in section 201 of the Pack-
20 ers and Stockyards Act, 1921 (7 U.S.C. 191).

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (f) FUNDING.—There is appropriated, out of any
24 funds in the Treasury not otherwise appropriated, such
25 sums as may be necessary to carry out this section.

1 **SEC. 60103. ANIMAL DISEASE PREVENTION AND MANAGE-**
2 **MENT RESPONSE.**

3 Out of any amounts in the Treasury not otherwise
4 appropriated, there is appropriated to carry out section
5 10409A of the Animal Health Protection Act (7 U.S.C.
6 8308A) \$300,000,000, to remain available until expended.

7 **TITLE II—DAIRY**

8 **SEC. 60201. DAIRY DIRECT DONATION PROGRAM.**

9 (a) **DEFINITIONS.**—In this section:

10 (1) **ELIGIBLE DAIRY ORGANIZATION.**—The term
11 “eligible dairy organization” is defined in section
12 1431(a) of the Agricultural Act of 2014 (7 U.S.C.
13 9071(a)).

14 (2) **ELIGIBLE DISTRIBUTOR.**—The term “eligi-
15 ble distributor” means a public or private nonprofit
16 organization that distributes donated eligible dairy
17 products to recipient individuals and families.

18 (3) **ELIGIBLE DAIRY PRODUCTS.**—The term
19 “eligible dairy products” means products primarily
20 made from milk produced and processed within a
21 Federal Milk Marketing Order.

22 (4) **ELIGIBLE PARTNERSHIP.**—The term “eligi-
23 ble partnership” means a partnership between an el-
24 ible dairy organization and an eligible distributor.

25 (b) **ESTABLISHMENT AND PURPOSES.**—Not later
26 than 45 days after the enactment of this Act, the Sec-

1 retary shall establish and administer a direct dairy dona-
2 tion program for the purposes of—

3 (1) facilitating the timely donation of eligible
4 dairy products and

5 (2) preventing and minimizing food waste.

6 (c) DONATION AND DISTRIBUTION PLANS.—

7 (1) IN GENERAL.—To be eligible to receive re-
8 imbursement under this section, an eligible partner-
9 ship shall submit to the Secretary a donation and
10 distribution plan that describes the process that the
11 eligible partnership will use for the donation, proc-
12 essing, transportation, temporary storage, and dis-
13 tribution of eligible dairy products.

14 (2) REVIEW AND APPROVAL.—No later than 15
15 business days after receiving a plan described in
16 paragraph (1), the Secretary shall—

17 (A) review such plan; and

18 (B) issue an approval or disapproval of
19 such plan.

20 (d) REIMBURSEMENT.—

21 (1) IN GENERAL.—On receipt of appropriate
22 documentation under paragraph (2), the Secretary
23 shall reimburse an eligible dairy organization at a
24 rate equal to the current Class I milk price multi-

1 plied by the volume of milk required to make the do-
2 nated product.

3 (2) SPECIAL CASE.—In the case of donated
4 Class I products, the Secretary shall reimburse an
5 eligible dairy organization at a rate equal to the cur-
6 rent Class I milk price plus 5 percent multiplied by
7 the volume of milk required to make the donated
8 Class I product.

9 (3) DOCUMENTATION.—

10 (A) IN GENERAL.—An eligible dairy orga-
11 nization shall submit to the Secretary such doc-
12 umentation as the Secretary may require to
13 demonstrate the eligible dairy product produc-
14 tion and donation to the eligible distributor.

15 (B) VERIFICATION.—The Secretary may
16 verify the accuracy of documentation submitted.

17 (3) RETROACTIVE REIMBURSEMENT.—In pro-
18 viding reimbursements under paragraph (1), the
19 Secretary may provide reimbursements for milk
20 costs incurred before the date on which the donation
21 and distribution plan for the applicable participating
22 partnership was approved by the Secretary.

23 (e) PROHIBITION ON RESALE OF PRODUCTS.—

24 (1) IN GENERAL.—An eligible distributor that
25 receives eligible dairy products donated under this

1 section may not sell the products into commercial
2 markets.

3 (2) PROHIBITION ON FUTURE PARTICIPA-
4 TION.—An eligible distributor that the Secretary de-
5 termines has violated paragraph (1) shall not be eli-
6 gible for any future participation in the program es-
7 tablished under this section.

8 (f) REVIEWS.—The Secretary shall conduct appro-
9 priate reviews or audits to ensure the integrity of the pro-
10 gram established under this section.

11 (g) PUBLICATION OF DONATION ACTIVITY.—The
12 Secretary, acting through the Agricultural Marketing
13 Service, shall publish on the publicly accessible website of
14 such agency periodic reports containing donation activity
15 under this section.

16 (h) SUPPLEMENTAL REIMBURSEMENTS.—

17 (1) IN GENERAL.—The Secretary may make a
18 supplemental reimbursement to an eligible dairy or-
19 ganization for an approved donation and distribution
20 plan in accordance with the milk donation program
21 established under section 1431 of the Agricultural
22 Act of 2014 (7 U.S.C. 9071).

23 (2) REIMBURSEMENT CALCULATION.—A sup-
24 plemental reimbursement described in paragraph (1)
25 shall be equal to the value of—

1 (A) the sum of—

2 (i) the Class IV milk price for the ap-
3 plicable month, plus

4 (ii) 5 percent of the Class I price for
5 the applicable month, multiplied by

6 (B) the volume of eligible milk under such
7 approved donation plan.

8 (i) FUNDING.—Out of the amounts of the Treasury
9 not otherwise appropriated, the Secretary shall use to
10 carry out this section \$500,000,000 to remain available
11 until expended.

12 **SEC. 60202. SUPPLEMENTAL DAIRY MARGIN COVERAGE**
13 **PAYMENTS.**

14 (a) IN GENERAL.—The Secretary shall provide sup-
15 plemental dairy margin coverage payments to eligible
16 dairy operations described in subsection (b)(1) whenever
17 the average actual dairy production margin (as defined in
18 section 1401 of the Agricultural Act of 2014 (7 U.S.C.
19 9051)) for a month is less than the coverage level thresh-
20 old selected by such eligible dairy operation under such
21 section 1406.

22 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

23 (1) IN GENERAL.—An eligible dairy operation
24 described in this subsection is a dairy operation
25 that—

1 (A) is located in the United States; and

2 (B) during a calendar year in which such
3 dairy operation is a participating dairy oper-
4 ation (as defined in section 1401 of the Agricul-
5 tural Act of 2014 (7 U.S.C. 9051)), has a pro-
6 duction history established under the dairy
7 margin coverage program under section 1405 of
8 the Agricultural Act of 2014 (7 U.S.C. 9055)
9 of less than 5 million pounds, as determined in
10 accordance with subsection (c) of such section
11 1405.

12 (2) LIMITATION ON ELIGIBILITY.—An eligible
13 dairy operation shall only be eligible for payments
14 under this section during a calendar year in which
15 such eligible dairy operation is enrolled in the dairy
16 margin coverage (as defined in section 1401 of the
17 Agricultural Act of 2014 (7 U.S.C. 9051)).

18 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
19 CULATION.—For purposes of determining the production
20 history of an eligible dairy operation under this section,
21 such dairy operation’s production history shall be equal
22 to—

23 (1) the production volume of such dairy oper-
24 ation for the 2019 milk marketing year; minus

1 (2) the dairy margin coverage production his-
2 tory of such dairy operation established under sec-
3 tion 1405 of the Agricultural Act of 2014 (7 U.S.C.
4 9055).

5 (d) COVERAGE PERCENTAGE.—

6 (1) IN GENERAL.—For purposes of calculating
7 payments to be issued under this section during a
8 calendar year, an eligible dairy operation’s coverage
9 percentage shall be equal to the coverage percentage
10 selected by such eligible dairy operation with respect
11 to such calendar year under section 1406 of the Ag-
12 ricultural Act of 2014 (7 U.S.C. 9056).

13 (2) 5-MILLION POUND LIMITATION.—

14 (A) IN GENERAL.—The Secretary shall not
15 provide supplemental dairy margin coverage on
16 an eligible dairy operation’s actual production
17 for a calendar year such that the total covered
18 production history of such dairy operation ex-
19 ceeds 5 million pounds.

20 (B) DETERMINATION OF AMOUNT.—In cal-
21 culating the total covered production history of
22 an eligible dairy operation under subparagraph
23 (A), the Secretary shall multiply the coverage
24 percentage selected by such operation under

1 section 1406 of the Agricultural Act of 2014 (7
2 U.S.C. 9056) by the sum of—

3 (i) the supplemental production his-
4 tory calculated under subsection (c) with
5 respect to such dairy operation; and

6 (ii) the dairy margin coverage produc-
7 tion history described in subsection (e)(2)
8 with respect to such dairy operation.

9 (e) PREMIUM COST.—The premium cost for an eligi-
10 ble dairy operation under this section for a calendar year
11 shall be equal to the product of multiplying—

12 (1) the Tier I premium cost calculated with re-
13 spect to such dairy operation for such year under
14 section 1407(b) of the Agricultural Act of 2014 (7
15 U.S.C. 9057(b)); by

16 (2) the production history calculation with re-
17 spect to such dairy operation determined under sub-
18 section (c) (such that total covered production his-
19 tory does not exceed 5 million pounds).

20 (f) REGULATIONS.—Not later than 45 days after the
21 date of the enactment of this section, the Secretary shall
22 issue regulations to carry out this section.

23 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN
24 COVERAGE ENROLLMENT.—The Secretary may not re-
25 open or otherwise provide a special enrollment for dairy

1 margin coverage (as defined in section 1401 of the Agri-
2 cultural Act of 2014 (7 U.S.C. 9051)) for purposes of es-
3 tablishing eligibility for supplemental dairy margin cov-
4 erage payments under this section.

5 (h) RETROACTIVE APPLICATION FOR CALENDAR
6 YEAR 2020.—The Secretary shall make payments under
7 this section to eligible dairy operations described in sub-
8 section (b)(1) for months after and including January,
9 2020.

10 (i) SUNSET.—The authority to make payments under
11 this section shall terminate on December 31, 2023.

12 (j) FUNDING.—Out of any amounts in the Treasury
13 not otherwise appropriated, there are made available such
14 sums as may be necessary to carry out this program.

15 **SEC. 60203. RECOURSE LOAN PROGRAM FOR COMMERCIAL**
16 **PROCESSORS OF DAIRY PRODUCTS.**

17 (a) IN GENERAL.—The Secretary shall make re-
18 course loans available to qualified applicants during the
19 COVID–19 pandemic.

20 (b) AMOUNT OF LOAN.—

21 (1) IN GENERAL.—A recourse loan made under
22 this section shall be provided to qualified applicants
23 up to the value of the eligible dairy product inven-
24 tory of the applicant as determined by the Secretary
25 and consistent with subsection (c).

1 (2) VALUATION.—For purposes of making re-
2 course loans under this section, the Secretary shall
3 conduct eligible dairy product valuations to provide,
4 to the maximum extent practicable, funds to con-
5 tinue the operations of qualified applicants.

6 (c) INVENTORY USED AS COLLATERAL.—Eligible
7 dairy product inventory used as collateral for the recourse
8 loan program under this section shall be pledged on a ro-
9 tating basis to prevent spoilage of perishable products.

10 (d) TERM OF LOAN.—A recourse loan under this sec-
11 tion may be made for a period as determined by the Sec-
12 retary, except that no such recourse loan may end after
13 the date that is 24 months after the date of the enactment
14 of this section.

15 (e) FUNDING AND AUTHORITIES.—Out of any
16 amounts in the Treasury not otherwise appropriated, there
17 is made available \$500,000,000 to carry out this section.

18 (f) DEFINITIONS.—In this section:

19 (1) ELIGIBLE DAIRY PRODUCTS.—The term
20 “eligible dairy products” means all dairy products
21 whether in base commodity or finished product form.

22 (2) QUALIFIED APPLICANT.—The term “quali-
23 fied applicant” means any commercial processors,
24 packagers, merchants, marketers, wholesalers, and

1 distributors of eligible dairy products impacted by
2 COVID-19.

3 **SEC. 60204. DAIRY MARGIN COVERAGE PREMIUM DIS-**
4 **COUNT FOR 3-YEAR SIGNUP.**

5 The Secretary shall provide a 15 percent discount for
6 the premiums described in subsections (b) and (c) of sec-
7 tion 1407 of the Agricultural Act of 2014 (7 U.S.C. 9051)
8 and the premium described in section 60202(e) for a dairy
9 operation (as defined in 1401 of such Act (7 U.S.C.
10 9051)) that makes a 1-time, three-year election to enroll
11 in dairy margin coverage under part I of subtitle D of
12 such Act for calendar years 2021 through 2023.

13 **TITLE III—SPECIALTY CROPS AND OTHER**
14 **COMMODITIES**

15 **SEC. 60301. SUPPORT FOR SPECIALTY CROP SECTOR.**

16 Section 101(l) of the Specialty Crops Competitiveness
17 Act of 2004 (7 U.S.C. 1621 note) is amended by adding
18 at the end the following:

19 “(3) COVID-19 OUTBREAK RELIEF.—

20 “(A) IN GENERAL.—The Secretary shall
21 make grants to States eligible to receive a grant
22 under this section to assist State efforts to sup-
23 port the specialty crop sector for impacts re-
24 lated to the COVID-19 public health emer-
25 gency.

1 “(B) FUNDING.—There is appropriated,
2 out of any funds in the Treasury not otherwise
3 appropriated, to carry out subparagraph (A)
4 not less than \$100,000,000, to remain available
5 until expended.”.

6 **SEC. 60302. SUPPORT FOR LOCAL AGRICULTURAL MAR-**
7 **KETS.**

8 Section 210A(i) of the Agricultural Marketing Act of
9 1946 (7 U.S.C. 1627c(d)) is amended by adding at the
10 end the following:

11 “(4) GRANTS FOR COVID–19 LOSSES.—

12 “(A) IN GENERAL.—In addition to grants
13 made under the preceding provisions of this
14 subsection, the Secretary shall make grants to
15 eligible entities specified in subsection (d)(6)(B)
16 to provide assistance in response to the
17 COVID–19 pandemic.

18 “(B) MATCHING FUNDS APPLICABILITY.—
19 The Secretary may not require a recipient of a
20 grant under subparagraph (A) to provide any
21 nonFederal matching funds.

22 “(F) FUNDING.—There is appropriated,
23 out of any funds in the Treasury not otherwise
24 appropriated, to carry out this paragraph,

1 \$50,000,000, to remain available until ex-
2 pended.”.

3 **SEC. 60303. SUPPORT FOR FARMING OPPORTUNITIES**
4 **TRAINING AND OUTREACH.**

5 Section 2501 of the Food, Agriculture, Conservation,
6 and Trade Act of 1990 (7 U.S.C. 2279) is amended by
7 adding at the end the following:

8 “(m) **ADDITIONAL FUNDING.**—

9 “(1) **IN GENERAL.**—The Secretary shall make
10 grants to, or enter into cooperative agreements or
11 contracts with, eligible entities specified in sub-
12 section (c)(1) to provide training, outreach, and
13 technical assistance on operations, financing, and
14 marketing to beginning farmers and ranchers, so-
15 cially disadvantaged farmers and ranchers, and vet-
16 eran farmers and ranchers.

17 “(2) **MATCHING FUNDS APPLICABILITY.**—The
18 Secretary may not require a recipient of a grant
19 under this subsection to provide any nonFederal
20 matching funds.

21 “(3) **FUNDING.**—There is appropriated, out of
22 any funds in the Treasury not otherwise appro-
23 priated, to carry out this subsection, \$50,000,000, to
24 remain available until expended.”.

1 **SEC. 60304. SUPPORT FOR FARM STRESS PROGRAMS.**

2 (a) IN GENERAL.—The Secretary shall make grants
3 to State departments of agriculture (or such equivalent
4 department) to expand or sustain stress assistance pro-
5 grams for individuals who are engaged in farming, ranch-
6 ing, and other agriculture-related occupations, including—

7 (1) programs that meet the criteria specified in
8 section 7522(b)(1) of the Food, Conservation, and
9 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

10 (2) any State initiatives carried out as of the
11 date of the enactment of this Act that provide stress
12 assistance for such individuals.

13 (b) GRANT TIMING AND AMOUNT.—In making grants
14 under subsection (a), not later than 60 days after the date
15 of the enactment of this Act and subject to subsection (c),
16 the Secretary shall—

17 (1) make awards to States submitting State
18 plans that meet the criteria specified in paragraph
19 (1)(A) of such subsection within the time period
20 specified by the Secretary, in an amount not to ex-
21 ceed, \$500,000 for each State; and

22 (2) of the amounts made available under sub-
23 section (f), allocate among such States, an amount
24 to be determined by the Secretary.

25 (c) STATE PLAN.—

1 (1) IN GENERAL.—A State department of agri-
2 culture seeking a grant under subsection (b) shall
3 submit to the Secretary a State plan to initiate, ex-
4 pand, or sustain stress assistance programs de-
5 scribed in subsection (a) that includes—

6 (A) a description of each activity and the
7 estimated amount of funding to support each
8 program and activity carried out through such
9 a program;

10 (B) an estimated timeline for the operation
11 of each such program and activity;

12 (C) the total amount of funding sought;
13 and

14 (D) an assurance that the State depart-
15 ment of agriculture will comply with the report-
16 ing requirement under subsection (e).

17 (2) GUIDANCE.—Not later than 20 days after
18 the date of the enactment of this Act, the Secretary
19 shall issue guidance for States with respect to the
20 submission of a State plan under paragraph (1) and
21 the allocation criteria under subsection (b).

22 (3) REALLOCATION.—If, after the first grants
23 are awarded pursuant to allocation under subsection
24 (b), any funds made available under subsection (f)

1 to carry out this subsection remain unobligated, the
2 Secretary shall—

3 (A) inform States that submit plans as de-
4 scribed in subsection (b), of such availability;
5 and

6 (B) reallocate such funds among such
7 States, as the Secretary determines to be ap-
8 propriate and equitable.

9 (d) COLLABORATION.—The Secretary may issue
10 guidance to encourage State departments of agriculture
11 to use funds provided under this section to support pro-
12 grams described in subsection (a) that are operated by—

13 (1) Indian tribes (as defined in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304));

16 (2) State cooperative extension services; and

17 (3) nongovernmental organizations.

18 (e) REPORTING.—Not later than 180 days after the
19 public health emergency declared under section 319 of the
20 Public Health Services Act (42 U.S.C. 247d) on January
21 31, 2020, is terminated, each State receiving additional
22 grants under subsection (b) shall submit a report to the
23 Secretary describing—

24 (1) the activities conducted using such funds;

1 (2) the amount of funds used to support each
2 such activity; and

3 (3) the estimated number of individuals served
4 by each such activity.

5 (f) FUNDING.—Out of any money not otherwise ap-
6 propriated, there is appropriated to carry out this section
7 \$28,000,000, to remain available until expended.

8 (g) STATE DEFINED.—In this section, the term
9 “State” means—

10 (1) a State;

11 (2) the District of Columbia;

12 (3) the Commonwealth of Puerto Rico; and

13 (4) any other territory or possession of the
14 United States.

15 **SEC. 60305. SUPPORT FOR PROCESSED COMMODITIES.**

16 (a) RENEWABLE FUEL REIMBURSEMENT PRO-
17 GRAM.—

18 (1) IN GENERAL.—The Secretary shall make
19 payments in accordance with this subsection to eligi-
20 ble entities that experienced unexpected market
21 losses as a result of the COVID–19 pandemic during
22 the applicable period.

23 (2) DEFINITIONS.—In this section:

1 (A) APPLICABLE PERIOD.—The term “ap-
2 plicable period” means January 1, 2020,
3 through May 1, 2020.

4 (B) ELIGIBLE ENTITY.—The term “eligible
5 entity” means any domestic entity or facility
6 that produced any qualified fuel in the calendar
7 year 2019.

8 (C) QUALIFIED FUEL.—The term “quali-
9 fied fuel” means any renewable fuel or ad-
10 vanced biofuel (as such terms are defined in
11 section 211(o)(1) of the Clean Air Act), includ-
12 ing renewable fuel from corn starch feedstock.

13 (3) AMOUNT OF PAYMENT.—The amount of the
14 payment payable to an eligible entity shall be the
15 sum of—

16 (A) \$0.45 multiplied by the number of gal-
17 lons of qualified fuel produced by the eligible
18 entity during the applicable period; and

19 (B) if the Secretary determines that the el-
20 igible entity was unable to produce any quali-
21 fied fuel throughout 1 or more calendar months
22 during the applicable period due to the
23 COVID–19 pandemic, \$0.45 multiplied by 50
24 percent of the number of gallons produced by

1 the eligible entity in the corresponding month
2 or months in calendar year 2019.

3 (4) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary
5 shall submit to the Committee on Agriculture of the
6 House of Representatives and the Committee on Ag-
7 riculture, Nutrition, and Forestry of the Senate a
8 report on the payments made under this subsection,
9 including the identity of each payment recipient and
10 the amount of the payment paid to the payment re-
11 cipient.

12 (5) FUNDING.—There is made available, out of
13 any funds in the Treasury not otherwise appro-
14 priated, such sums as may be necessary for pay-
15 ments to eligible entities under this subsection.

16 (6) ADMINISTRATION.—

17 (A) IN GENERAL.—The Secretary shall use
18 the funds, facilities, and authorities of the Com-
19 modity Credit Corporation to carry out this
20 subsection.

21 (B) REGULATIONS.—

22 (i) IN GENERAL.—Except as otherwise
23 provided in this subsection, not later than
24 30 days after the date of the enactment of
25 this Act, the Secretary and the Commodity

1 Credit Corporation, as appropriate, shall
2 prescribe such regulations as are necessary
3 to carry out this subsection.

4 (ii) PROCEDURE.—The promulgation
5 of regulations under, and administration
6 of, this subsection shall be made without
7 regard to—

8 (I) the notice and comment pro-
9 visions of section 553 of title 5,
10 United States Code; and

11 (II) chapter 35 of title 44,
12 United States Code (commonly known
13 as the “Paperwork Reduction Act”).

14 (b) EMERGENCY ASSISTANCE FOR TEXTILE
15 MILLS.—

16 (1) IN GENERAL.—The Secretary shall make
17 emergency assistance available to domestic users of
18 upland cotton and extra long staple cotton in the
19 form of a payment in an amount determined under
20 paragraph (2), regardless of the origin of such up-
21 land cotton or extra long staple cotton, during the
22 10-month period beginning on March 1, 2020.

23 (2) CALCULATION OF ASSISTANCE.—The
24 amount of the assistance provided under paragraph

1 (1) to a domestic user described in such paragraph
2 shall be equal to 10 multiplied by the product of—

3 (A) the domestic user's historical monthly
4 average consumption; and

5 (B) 6 cents per pound so consumed.

6 (3) ALLOWABLE USE.—Any emergency assist-
7 ance provided under this section shall be made avail-
8 able only to domestic users of upland cotton and
9 extra long staple cotton that certify that the assist-
10 ance shall be used only for operating expenses.

11 (4) HISTORICAL MONTHLY AVERAGE CONSUMP-
12 TION DEFINED.—The term “historical monthly aver-
13 age consumption” means the average consumption
14 for each month occurring during the period begin-
15 ning on January 1, 2017, and ending on December
16 31, 2019.

17 (5) SUNSET.—The Secretary may not provide
18 emergency assistance under this section on or after
19 December 31, 2020.

20 (6) FUNDING.—There is made available, out of
21 any funds in the Treasury not otherwise appro-
22 priated, such sums as may be necessary to carry out
23 this section.

1 **SEC. 60306. DIRECT PAYMENTS TO AGRICULTURAL PRO-**
2 **DUCERS.**

3 (a) IN GENERAL.—The Secretary shall make direct
4 payments to producers of specialty crops, livestock, and
5 other commodities, to cover losses in response to the
6 COVID–19 pandemic.

7 (b) PAYMENT CALCULATIONS.—Payment under sub-
8 section (a), shall be calculated as follows:

9 (1) SPECIALTY CROPS, LIVESTOCK, AND OTHER
10 COMMODITIES COVERED BY CORONAVIRUS FOOD AS-
11 SISTANCE PROGRAM.—In the case of losses of spe-
12 cialty crops, livestock, and other commodities in-
13 curred during the first quarter of calendar year
14 2020 and eligible to receive direct payments under
15 the Department of Agriculture’s final rule for the
16 Coronavirus Food Assistance program of the De-
17 partment of Agriculture, payments under subsection
18 (a) shall be made to producers to ensure that they
19 are compensated for 85 percent of the second quar-
20 ter actual losses estimated by the Secretary.

21 (2) SPECIALTY CROPS, LIVESTOCK, AND OTHER
22 COMMODITIES NOT COVERED BY CORONAVIRUS FOOD
23 ASSISTANCE PROGRAM.—In the case of losses of spe-
24 cialty crops, livestock, and other commodities for
25 which a producer is ineligible to receive direct pay-
26 ments under the program referred to in paragraph

1 (1), payments under subsection (a) shall be equal to
2 85 percent of the actual losses estimated by the Sec-
3 retary for the first and second quarters of calendar
4 year 2020 for their commodity.

5 (c) ADJUSTMENT.—In calculating the amount of a
6 payment under subsection (b)(2), the Secretary shall ac-
7 count for price differentiation factors for a given com-
8 modity based on location, specialized varieties, and farm-
9 ing practices such as certified organic products, by
10 using—

11 (1) differentiated prices, as determined by the
12 Risk Management Agency for purposes of the Fed-
13 eral crop insurance program under the Federal Crop
14 Insurance Act (7 U.S.C. 1501 et seq.), when avail-
15 able; and

16 (2) other data from the Department of Agri-
17 culture and colleges and universities, to determine
18 estimated prices.

19 (d) ADJUSTED GROSS INCOME LIMITATIONS.—A
20 payment under this section shall be deemed to be a cov-
21 ered benefit under section 1001D(b)(2) of the Food Secu-
22 rity Act of 1985 (7 U.S.C. 1308–3a(b)(2)), unless at least
23 75 percent of the adjusted gross income of the recipient
24 of the payment is derived from farming, ranching, or for-
25 estry-related activities.

1 (e) PAYMENTS.—The Secretary shall make payments
2 under subsection (a) not later than 60 days after the date
3 of the enactment of this section.

4 (f) FUNDING.—There is made available, out of any
5 funds in the Treasury not otherwise appropriated, to carry
6 out this section \$16,500,000,000, to remain available until
7 December 31, 2020.

8 (g) NOTIFICATION.—Any obligation or expenditure
9 under this section shall be subject to the requirements de-
10 scribed in section 20 of the Commodity Credit Corporation
11 Charter Act, as added by section 60402.

12 (h) REPORT TO CONGRESS.—Not later than one year
13 after the date of the enactment of this Act, the Secretary
14 shall submit to the Committee on Agriculture of the House
15 of Representatives and the Committee on Agriculture, Nu-
16 trition, and Forestry of the Senate a report specifying how
17 price losses were calculated for each crop and crop dif-
18 ferentiation factor, and evaluating the implementation,
19 costs, and general effectiveness of this section and the
20 Coronavirus Food Assistance program of the Department
21 of Agriculture.

1 TITLE IV—COMMODITY CREDIT CORPORATION

2 **SEC. 60401. EMERGENCY ASSISTANCE.**

3 Section 5 of the Commodity Credit Corporation Char-
4 ter Act (15 U.S.C. 714c) is amended by redesignating sub-
5 section (h) as subsection (j) and inserting the following:

6 “(h) Remove and dispose of or aid in the removal or
7 disposition of surplus livestock and poultry due to signifi-
8 cant supply chain interruption during an emergency pe-
9 riod.

10 “(i) Aid agricultural processing plants to ensure sup-
11 ply chain continuity during an emergency period.”.

12 **SEC. 60402. CONGRESSIONAL NOTIFICATION.**

13 The Commodity Credit Corporation Charter Act (15
14 U.S.C. 714 et seq.) is amended by adding at the end the
15 following new section:

16 **“SEC. 20. CONGRESSIONAL NOTIFICATION AND OVERSIGHT**
17 **ON SPENDING.**

18 “(a) IN GENERAL.—The Secretary shall notify in
19 writing, by first-class mail and electronic mail, the Com-
20 mittee on Agriculture of the House of Representatives and
21 the Committee on Agriculture, Nutrition, and Forestry of
22 the Senate at least 90 calendar days (not counting any
23 day on which both the House of Representatives and Sen-
24 ate are not in session) in advance of any obligation or ex-
25 penditure authorized under this Act.

1 “(b) WRITTEN NOTICE.—A written notice required
2 under subsection (a) shall specify—

3 “(1) the commodities that will be affected;

4 “(2) the maximum financial benefit per com-
5 modity;

6 “(3) the nature of the support, including—

7 “(A) direct payments;

8 “(B) technical and financial assistance;

9 “(C) marketing assistance; and

10 “(D) purchases;

11 “(4) the expected legal entities or individuals
12 that would receive financial benefits;

13 “(5) the intended policy goals;

14 “(6) the legal justification specifying the au-
15 thority of this Act utilized; and

16 “(7) the projected impacts to commodity mar-
17 kets.

18 “(c) MONITORING OR OVERSIGHT.—The Comptroller
19 General of the United States shall conduct monitoring and
20 oversight of the exercise of authorities, the receipt, dis-
21 bursement, and use of funds for which a report is required
22 under subsection (a).

23 “(d) REPORTS.—In conducting monitoring and over-
24 sight under subsection (c), the Comptroller General shall
25 publish reports regarding the ongoing monitoring and

1 oversight efforts, which, along with any audits and inves-
2 tigations conducted by the Comptroller General, shall be
3 submitted to the Committee on Agriculture of the House
4 of Representatives and the Committee on Agriculture, Nu-
5 trition, and Forestry of the Senate and posted on the
6 website of the Government Accountability Office—

7 “(1) not later than 90 days after the initial ob-
8 ligation or expenditure of funds subject to subsection
9 (a), and every other month thereafter for as long as
10 such obligations or expenditures continue; and

11 “(2) submit to the Committee on Agriculture of
12 the House of Representatives and the Committee on
13 Agriculture, Nutrition, and Forestry of the Senate
14 additional reports as warranted by the findings of
15 the monitoring and oversight activities of the Comp-
16 troller General.

17 “(e) ACCESS TO INFORMATION.—

18 “(1) RIGHT OF ACCESS.—In conducting moni-
19 toring and oversight activities under subsection (c),
20 the Comptroller General shall have access to records,
21 upon request, of any Federal, State, or local agency,
22 contractor, grantee, recipient, or subrecipient per-
23 taining to any obligations or expenditures subject to
24 subsection (a), including private entities receiving
25 such assistance.

1 “(2) COPIES.—The Comptroller General may
2 make and retain copies of any records accessed
3 under paragraph (1) as the Comptroller General de-
4 termines appropriate.

5 “(3) INTERVIEWS.—In addition to such other
6 authorities as are available, the Comptroller General
7 or a designee of the Comptroller General may inter-
8 view Federal, State, or local officials, contractor
9 staff, grantee staff, recipients, or subrecipients per-
10 taining to any obligations or expenditures subject to
11 subsection (a), including private entities receiving
12 such assistance.

13 “(4) INSPECTION OF FACILITIES.—As deter-
14 mined necessary by the Comptroller General, the
15 Government Accountability Office may inspect facili-
16 ties at which Federal, State, or local officials, con-
17 tractor staff, grantee staff, or recipients or sub-
18 recipients carry out their responsibilities related to
19 obligations or expenditures subject to subsection (a).

20 “(5) ENFORCEMENT.—Access rights under this
21 subsection shall be subject to enforcement consistent
22 with section 716 of title 31, United States Code.

23 “(f) RELATIONSHIP TO EXISTING AUTHORITY.—
24 Nothing in this section shall be construed to limit, amend,

1 supersede, or restrict in any manner any existing author-
2 ity of the Comptroller General.

3 “(g) EXCEPTION TO WAITING PERIOD.—Subsection
4 (a) shall not apply if, prior to obligating or spending any
5 funding described in such subsection, the Secretary ob-
6 tains approval in writing from at least three of the fol-
7 lowing individuals—

8 “(1) the Chair of the Committee on Agriculture
9 of the House of Representatives,

10 “(2) the Ranking Member of the Committee on
11 Agriculture of the House of Representatives,

12 “(3) the Chair of the Committee on Agri-
13 culture, Nutrition, and Forestry of the Senate; and

14 “(4) the Ranking Member of the Committee on
15 Agriculture, Nutrition, and Forestry of the Senate.

16 “(h) EXCLUSION FOR PREEXISTING AUTHORIZA-
17 TIONS.—This section shall not apply to obligations and ex-
18 penditures authorized in the Agriculture Improvement Act
19 of 2018 (Public Law 115–334).”.

20 TITLE V—CONSERVATION

21 **SEC. 60501. EMERGENCY SOIL HEALTH AND INCOME PRO-** 22 **TECTION PILOT PROGRAM.**

23 (a) DEFINITION OF ELIGIBLE LAND.—In this sec-
24 tion, the term “eligible land” means cropland that—

1 (1) is selected by the owner or operator of the
2 land for proposed enrollment in the pilot program
3 under this section; and

4 (2) as determined by the Secretary, had a crop-
5 ping history or was considered to be planted during
6 each of the 3 crop years preceding enrollment.

7 (b) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a voluntary emergency soil health and income pro-
10 tection pilot program under which eligible land is en-
11 rolled through the use of contracts to assist owners
12 and operators of eligible land to conserve and im-
13 prove the soil, water, and wildlife resources of the el-
14 igible land.

15 (2) DEADLINE FOR PARTICIPATION.—Eligible
16 land may be enrolled in the program under this sec-
17 tion through December 31, 2021.

18 (c) CONTRACTS.—

19 (1) REQUIREMENTS.—A contract described in
20 subsection (b) shall—

21 (A) be entered into by the Secretary, the
22 owner of the eligible land, and (if applicable)
23 the operator of the eligible land; and

24 (B) provide that, during the term of the
25 contract—

1 (i) the lowest practicable cost peren-
2 nial conserving use cover crop for the eligi-
3 ble land, as determined by the applicable
4 State conservationist after considering the
5 advice of the applicable State technical
6 committee, shall be planted on the eligible
7 land;

8 (ii) subject to paragraph (4), the eligi-
9 ble land may be harvested for seed, hayed,
10 or grazed outside the primary nesting sea-
11 son established for the applicable county;

12 (iii) the eligible land may be eligible
13 for a walk-in access program of the appli-
14 cable State, if any; and

15 (iv) a nonprofit wildlife organization
16 may provide to the owner or operator of
17 the eligible land a payment in exchange for
18 an agreement by the owner or operator not
19 to harvest the conserving use cover.

20 (2) PAYMENTS.—

21 (A) RENTAL RATE.—Except as provided in
22 paragraph (4)(B)(ii), the annual rental rate for
23 a payment under a contract described in sub-
24 section (b) shall be \$70 per acre.

1 (B) ADVANCE PAYMENT.—At the request
2 of the owner and (if applicable) the operator of
3 the eligible land, the Secretary shall make all
4 rental payments under a contract entered into
5 under this section within 30 days of entering
6 into such contract.

7 (C) COST SHARE PAYMENTS.—A contract
8 described in subsection (b) shall provide that,
9 during the term of the contract, the Secretary
10 shall pay, of the actual cost of establishment of
11 the conserving use cover crop under paragraph
12 (1)(B)(i), not more than \$30 per acre.

13 (3) TERM.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), each contract described in
16 subsection (b) shall be for a term of 3 years.

17 (B) EARLY TERMINATION.—

18 (i) SECRETARY.—The Secretary may
19 terminate a contract described in sub-
20 section (b) before the end of the term de-
21 scribed in subparagraph (A) if the Sec-
22 retary determines that the early termi-
23 nation of the contract is appropriate.

24 (ii) OWNERS AND OPERATORS.—An
25 owner and (if applicable) an operator of el-

1 eligible land enrolled in the pilot program
2 under this section may terminate a con-
3 tract described in subsection (b) before the
4 end of the term described in subparagraph
5 (A) if the owner and (if applicable) the op-
6 erator pay to the Secretary an amount
7 equal to the amount of rental payments re-
8 ceived under the contract.

9 (4) HARVESTING, HAYING, AND GRAZING OUT-
10 SIDE APPLICABLE PERIOD.—The harvesting for
11 seed, haying, or grazing of eligible land under para-
12 graph (1)(B)(ii) outside of the primary nesting sea-
13 son established for the applicable county shall be
14 subject to the conditions that—

15 (A) with respect to eligible land that is so
16 hayed or grazed, adequate stubble height shall
17 be maintained to protect the soil on the eligible
18 land, as determined by the applicable State con-
19 servativist after considering the advice of the
20 applicable State technical committee; and

21 (B) with respect to eligible land that is so
22 harvested for seed—

23 (i) the eligible land shall not be eligi-
24 ble to be insured or reinsured under the

1 Federal Crop Insurance Act (7 U.S.C.
2 1501 et seq.); and

3 (ii) the annual rental rate for a pay-
4 ment under a contract described in sub-
5 section (b) shall be \$52.50 per acre.

6 (d) ACREAGE LIMITATION.—Not more than
7 5,000,000 total acres of eligible land may be enrolled
8 under the pilot program under this section.

9 (e) FUNDING.—There is appropriated, out of any
10 funds in the Treasury not otherwise appropriated, such
11 sums as may be necessary to carry out this section.

12 TITLE VI—NUTRITION

13 SEC. 60601. DEFINITIONS.

14 In this title:

15 (1) COVID-19 PUBLIC HEALTH EMERGENCY.—
16 The term “COVID–19 public health emergency”
17 means the public health emergency declared by the
18 Secretary of Health and Human Services under sec-
19 tion 319 of the Public Health Services Act (42
20 U.S.C. 247d) on January 31, 2020, with respect to
21 COVID–19.

22 (2) SUPPLEMENTAL NUTRITION ASSISTANCE
23 PROGRAM.—The term “supplemental nutrition as-
24 sistance program” has the meaning given such term

1 in section 3(t) of the Food and Nutrition Act of
2 2008 (7 U.S.C. 2012(t)).

3 **SEC. 60602. ENHANCED PROJECTS TO HARVEST, PROCESS,**
4 **PACKAGE, OR TRANSPORT DONATED COM-**
5 **MODITIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) EMERGENCY FEEDING ORGANIZATION.—
8 The term “emergency feeding organization” has the
9 meaning given the term in section 201A of the
10 Emergency Food Assistance Act of 1983 (7 U.S.C.
11 7501).

12 (2) PROJECT.—The term “project” has the
13 meaning given the term in section 203D(d)(1) of the
14 Emergency Food Assistance Act of 1983 (7 U.S.C.
15 7507(d)(1)).

16 (3) PRIORITY AGRICULTURAL PRODUCT.—The
17 term “priority agricultural product” means a dairy,
18 meat, or poultry product, or a specialty crop—

19 (A) packaged or marketed for sale to com-
20 mercial or food service industries;

21 (B) for which decreased demand exists for
22 such a product due to the COVID–19 outbreak;
23 and

24 (C) the repurposing of which would be im-
25 practical for grocery or retail sale.

1 (4) STATE.—The term “State” has the mean-
2 ing given the term in section 203D of the Emer-
3 gency Food Assistance Act of 1983 (7 U.S.C. 7507).

4 (5) STATE AGENCY.—The term “State agency”
5 has the meaning given the term in section 203D of
6 the Emergency Food Assistance Act of 1983 (7
7 U.S.C. 7507).

8 (b) ENHANCED PROJECTS.—

9 (1) IN GENERAL.—Subject to paragraphs (3)
10 and (4), using funds made available under sub-
11 section (d), the Secretary may provide funds to
12 States to pay for harvesting, processing, packaging,
13 or transportation costs of carrying out a project.

14 (2) GUIDANCE.—Not later than 30 days after
15 the date of enactment of this Act, the Secretary
16 shall issue guidance to States—

17 (A) to carry out this section;

18 (B) to inform States of their allocations
19 under paragraph (3); and

20 (C) to encourage States to carry out
21 projects that work with agricultural producers,
22 processors, and distributors with priority agri-
23 cultural products.

24 (3) ALLOCATION.—

1 (A) ELIGIBILITY FOR ALLOCATION.—The
2 Secretary shall allocate funds made available
3 under subsection (d) based on the formula in
4 effect under section 214(a) of the Emergency
5 Food Assistance Act of 1983 (7 U.S.C.
6 7515(a)), among States that timely submit a
7 State plan of operation for a project that in-
8 cludes—

9 (i) a list of emergency feeding organi-
10 zations in the State that will operate the
11 project in partnership with the State agen-
12 cy;

13 (ii) at the option of the State, a list
14 of priority agricultural products located in
15 the State that are for donation to emer-
16 gency feeding organizations and ready for
17 transport;

18 (iii) a description of how the project
19 will meet the purposes described in section
20 203D(d)(3) of the Emergency Food Assist-
21 ance Act of 1983 (7 U.S.C. 7507(d)(3));
22 and

23 (iv) a timeline of when the project will
24 begin operating.

1 (B) REALLOCATION.—If the Secretary de-
2 termines that a State will not expend all the
3 funds allocated to the State under subpara-
4 graph (A), the Secretary shall reallocate the un-
5 expended funds to other eligible States.

6 (C) REPORT.—Each State that receives
7 funds allocated under this paragraph shall sub-
8 mit to the Secretary financial reports on a reg-
9 ular basis describing the use of the funds.

10 (4) USE OF FUNDS.—

11 (A) IN GENERAL.—A State that receives
12 funds under section 203D(d)(5) of the Emer-
13 gency Food Assistance Act of 1983 (7 U.S.C.
14 7507(d)(5)) may—

15 (i) receive funds under this section;

16 and

17 (ii) use funds received under this sec-
18 tion—

19 (I) to expand projects for which
20 funds are received under such section
21 203D(d)(5);

22 (II) to carry out new projects
23 with agricultural producers, proc-
24 essors, or distributors participating in

1 projects for which funds are received
2 under such section 203D(d)(5); and
3 (III) to carry out projects with
4 agricultural producers, processors, or
5 distributors not participating in
6 projects for which funds are received
7 under such section 203D(d)(5).

8 (B) FEDERAL SHARE.—Funds received
9 under this section shall not be subject to the
10 Federal share limitation described in section
11 203D(d)(2)(B) of the Emergency Food Assist-
12 ance Act of 1983 (7 U.S.C. 7507(d)(2)(B)).

13 (c) COOPERATIVE AGREEMENTS.—

14 (1) IN GENERAL.—A State agency that carries
15 out a project using Federal funds received under
16 this section may enter into cooperative agreements
17 with State agencies of other States under section
18 203B(d) of the Emergency Food Assistance Act of
19 1983 (7 U.S.C. 7507(d)) to maximize the use of
20 commodities donated under the project.

21 (2) SUBMISSION.—Not later than 15 days after
22 entering into a cooperative agreement under para-
23 graph (1), a State agency shall submit such agree-
24 ment to the Secretary.

1 (d) APPROPRIATION OF FUNDS.—Out of funds in the
2 Treasury not otherwise appropriated, there is appro-
3 priated to carry out this section \$25,000,000 to remain
4 available until the September 30, 2021.

5 (e) PUBLIC AVAILABILITY.—Not later than 10 days
6 after the date of the receipt or issuance of each document
7 listed in paragraphs (1), (2), or (3) of this subsection, the
8 Secretary shall make publicly available on the website of
9 the Department of Agriculture the following documents:

10 (1) Any guidance issued under subsection
11 (b)(2).

12 (2) A State plan of operation or report sub-
13 mitted in accordance with subsection (b)(3).

14 (3) A cooperative agreement submitted in ac-
15 cordance with subsection (c).

16 **SEC. 60603. EMERGENCY FOOD ASSISTANCE PROGRAM**
17 **FLEXIBILITIES.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, the Secretary of Agriculture shall issue guid-
20 ance to waive the non-Federal match requirement under
21 section 204(a)(4)(A) of the Emergency Food Assistance
22 Act of 1983 for funding appropriated in title I of division
23 A of this Act for costs associated with the distribution of
24 commodities.

1 (b) PUBLIC AVAILABILITY.—The Secretary shall
2 make available the guidance document issued under sub-
3 section (a) on the public website of the Department of Ag-
4 riculture not later than 10 days after the date of the
5 issuance of such guidance.

6 (c) EFFECTIVE PERIOD.—The authority under this
7 section shall expire 30 days after the termination of the
8 COVID–19 public health emergency.

9 **SEC. 60604. FLEXIBILITIES FOR SENIOR FARMERS' MARKET**
10 **PROGRAM.**

11 (a) AUTHORITY TO MODIFY OR WAIVE RULES.—
12 Notwithstanding any other provision of law and if re-
13 quested by a State agency, the Secretary of Agriculture
14 may modify or waive any rule issued under section 4402
15 of the Farm Security and Rural Investment Act of 2002
16 (7 U.S.C. 3007) that applies to such State agency if the
17 Secretary determines that—

18 (1) such State agency is unable to comply with
19 such rule as a result of COVID–19, and

20 (2) the requested modification or waiver is nec-
21 essary to enable such State agency to provide assist-
22 ance to low-income seniors under such section.

23 (b) PUBLIC AVAILABILITY.—Not later than 10 days
24 after the date of the receipt or issuance of each document
25 listed in paragraphs (1) and (2) of this subsection, the

1 Secretary shall make publicly available on the website of
2 the Department of Agriculture the following documents:

3 (1) Any request submitted by State agencies
4 under subsection (a).

5 (2) The Secretary's approval or denial of each
6 such request.

7 (c) DEFINITION OF STATE AGENCY.—The term
8 “State agency” has the meaning given such term in sec-
9 tion 249.2 of 18 title 7 of the Code of Federal Regula-
10 tions.

11 (d) EFFECTIVE PERIOD.—Subsection (a) shall be in
12 effect during the period that begins on the date of the
13 enactment of this Act and ends 30 days after the termi-
14 nation of the COVID–19 public health emergency.

15 **SEC. 60605. FLEXIBILITIES FOR THE FOOD DISTRIBUTION**
16 **PROGRAM ON INDIAN RESERVATIONS.**

17 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
18 MENT.—Funds provided in division B of the Coronavirus
19 Aid, Relief, and Economic Security Act (Public Law 116–
20 136) for the food distribution program on Indian reserva-
21 tions authorized by section 4(b) of the Food and Nutrition
22 Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to
23 the payment of the non-Federal share requirement de-
24 scribed in section 4(b)(4)(A) of such Act (7 U.S.C.
25 2013(b)(4)(A)).

1 (b) FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of law, the Secretary of Agriculture may
4 issue guidance to waive or adjust section 4(b)(2)(C)
5 of the Food and Nutrition Act of 2008 (7 U.S.C.
6 2013(b)(2)(C)) for any Tribal organization (as de-
7 fined in section 3(v) of such Act (7 U.S.C. 2012(v)),
8 or for an appropriate State agency administering the
9 program established under section 4(b) of such Act
10 (7 U.S.C. 2013(b)), to ensure that households on
11 the Indian reservation who are participating in the
12 supplemental nutrition assistance program and who
13 are unable to access approved retail food stores due
14 to the outbreak of COVID–19 have access to com-
15 modities distributed under section 4(b) of such Act.

16 (2) PUBLIC AVAILABILITY.—The Secretary
17 shall make available the guidance document issued
18 under paragraph (1) on the public website of the
19 Department of Agriculture not later than 10 days
20 after the date of the issuance of such guidance.

21 (3) SUNSET.—The authority under this sub-
22 section shall expire 30 days after the termination of
23 the COVID–19 public health emergency.

1 **SEC. 60606. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
2 **GRAM.**

3 (a) VALUE OF BENEFITS.—Notwithstanding any
4 other provision of law, beginning on June 1, 2020, and
5 for each subsequent month through September 30, 2021,
6 the value of benefits determined under section 8(a) of the
7 Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)), and
8 consolidated block grants for Puerto Rico and American
9 Samoa determined under section 19(a) of such Act (7
10 U.S.C. 2028(a)), shall be calculated using 115 percent of
11 the June 2019 value of the thrifty food plan (as defined
12 in section 3 of such Act (7 U.S.C. 2012)) if the value of
13 the benefits and block grants would be greater under that
14 calculation than in the absence of this subsection.

15 (b) MINIMUM AMOUNT.—

16 (1) IN GENERAL.—The minimum value of bene-
17 fits determined under section 8(a) of the Food and
18 Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a
19 household of not more than 2 members shall be \$30.

20 (2) EFFECTIVENESS.—Paragraph (1) shall re-
21 main in effect until the date on which 8 percent of
22 the value of the thrifty food plan for a household
23 containing 1 member, rounded to the nearest whole
24 dollar increment, is equal to or greater than \$30.

25 (c) REQUIREMENTS FOR THE SECRETARY.—In car-
26 rying out this section, the Secretary shall—

1 (1) consider the benefit increases described in
2 each of subsections (a) and (b) to be a “mass
3 change”;

4 (2) require a simple process for States to notify
5 households of the increase in benefits;

6 (3) consider section 16(c)(3)(A) of the Food
7 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
8 to apply to any errors in the implementation of this
9 section, without regard to the 120-day limit de-
10 scribed in that section;

11 (4) disregard the additional amount of benefits
12 that a household receives as a result of this section
13 in determining the amount of overissuances under
14 section 13 of the Food and Nutrition Act of 2008
15 (7 U.S.C. 2022); and

16 (5) set the tolerance level for excluding small
17 errors for the purposes of section 16(c) of the Food
18 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
19 \$50 through September 30, 2021.

20 (d) PROVISIONS FOR IMPACTED WORKERS.—Not-
21 withstanding any other provision of law, the requirements
22 under subsections (d)(1)(A)(ii) and (o) of section 6 of the
23 Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall
24 not be in effect during the period beginning on June 1,

1 2020, and ending 2 years after the date of enactment of
2 this Act.

3 (e) ADMINISTRATIVE EXPENSES.—

4 (1) IN GENERAL.—For the costs of State ad-
5 ministrative expenses associated with carrying out
6 this section and administering the supplemental nu-
7 trition assistance program established under the
8 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
9 seq.), the Secretary shall make available
10 \$150,000,000 for fiscal year 2020 and
11 \$150,000,000 for fiscal year 2021.

12 (2) TIMING FOR FISCAL YEAR 2020.—Not later
13 than 60 days after the date of the enactment of this
14 Act, the Secretary shall make available to States
15 amounts for fiscal year 2020 under paragraph (1).

16 (3) ALLOCATION OF FUNDS.—Funds described
17 in paragraph (1) shall be made available as grants
18 to State agencies for each fiscal year as follows:

19 (A) 75 percent of the amounts available
20 for each fiscal year shall be allocated to States
21 based on the share of each State of households
22 that participate in the supplemental nutrition
23 assistance program as reported to the Depart-
24 ment of Agriculture for the most recent 12-
25 month period for which data are available, ad-

1 justed by the Secretary (as of the date of the
2 enactment of this Act) for participation in dis-
3 aster programs under section 5(h) of the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
5 and

6 (B) 25 percent of the amounts available
7 for each fiscal year shall be allocated to States
8 based on the increase in the number of house-
9 holds that participate in the supplemental nu-
10 trition assistance program as reported to the
11 Department of Agriculture over the most recent
12 12-month period for which data are available,
13 adjusted by the Secretary (as of the date of the
14 enactment of this Act) for participation in dis-
15 aster programs under section 5(h) of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

17 (f) SNAP RULES.—No funds (including fees) made
18 available under this Act or any other Act for any fiscal
19 year may be used to finalize, implement, administer, en-
20 force, carry out, or otherwise give effect to—

21 (1) the final rule entitled “Supplemental Nutri-
22 tion Assistance Program: Requirements for Able-
23 Bodied Adults Without Dependents” published in
24 the Federal Register on December 5, 2019 (84 Fed.
25 Reg. 66782);

1 (2) the proposed rule entitled “Revision of Cat-
2 egorical Eligibility in the Supplemental Nutrition
3 Assistance Program (SNAP)” published in the Fed-
4 eral Register on July 24, 2019 (84 Fed. Reg.
5 35570); or

6 (3) the proposed rule entitled “Supplemental
7 Nutrition Assistance Program: Standardization of
8 State Heating and Cooling Standard Utility Allow-
9 ances” published in the Federal Register on October
10 3, 2019 (84 Fed. Reg. 52809).

11 (g) CERTAIN EXCLUSIONS FROM SNAP INCOME.—
12 A Federal pandemic unemployment compensation pay-
13 ment made to an individual under section 2104 of the
14 CARES Act (Public Law 116–136) shall not be regarded
15 as income and shall not be regarded as a resource for the
16 month of receipt and the following 9 months, for the pur-
17 pose of determining eligibility for such individual or any
18 other individual for benefits or assistance, or the amount
19 of benefits or assistance, under any programs authorized
20 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011
21 et seq.).

22 (h) PUBLIC AVAILABILITY.—Not later than 10 days
23 after the date of the receipt or issuance of each document
24 listed below, the Secretary shall make publicly available

1 on the website of the Department of Agriculture the fol-
2 lowing documents:

3 (1) Any State agency request to participate in
4 the supplemental nutrition assistance program on-
5 line program under section 7(k).

6 (2) Any State agency request to waive, adjust,
7 or modify statutory or regulatory requirements
8 under the Food and Nutrition Act of 2008 related
9 to the COVID–19 outbreak.

10 (3) The Secretary’s approval or denial of each
11 such request under paragraphs (1) or (2).

12 (i) FUNDING.—There are hereby appropriated to the
13 Secretary, out of any money not otherwise appropriated,
14 such sums as may be necessary to carry out this section.

15 **SEC. 60607. SNAP HOT FOOD PURCHASES.**

16 During the period beginning 10 days after the date
17 of the enactment of this Act and ending on the termi-
18 nation date of the COVID–19 public health emergency,
19 the term “food”, as defined in section 3 of the Food and
20 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
21 to exclude “hot foods or hot food products ready for imme-
22 diate consumption other than those authorized pursuant
23 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
24 section,” for purposes of such Act, except that such exclu-
25 sion is limited to retail food stores authorized to accept

1 and redeem supplemental nutrition assistance program
2 benefits as of the date of enactment of this Act.

3 **SEC. 60608. SNAP NUTRITION EDUCATION FLEXIBILITY.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Secretary may issue nationwide guidance
6 to allow funding allocated under section 28 of the Food
7 and Nutrition Act (7 U.S.C. 2036a) to be used for individ-
8 uals distributing food in a non-congregate setting under
9 commodity distribution programs and child nutrition pro-
10 grams administered by the Food and Nutrition Service of
11 the Department of Agriculture in States affected by the
12 COVID–19 outbreak, provided that any individuals who
13 distribute school meals under—

14 (1) the school lunch program established under
15 the Richard B. Russell National School Lunch Act
16 (42 U.S.C. 1751 et seq.); and

17 (2) the school breakfast program established
18 under section 4 of the Child Nutrition Act of 1966
19 (42 U.S.C. 1773);

20 using funds allocated under section 28 of the Food and
21 Nutrition Act of 2008 (7 U.S.C. 2036a) supplement, not
22 supplant, individuals who are employed by local edu-
23 cational authorities as of the date of enactment of this
24 Act.

1 (b) SUNSET.—The authority for this section shall ex-
2 pire 30 days after the COVID–19 public health emergency
3 is terminated.

1 **DIVISION G—ACCOUNTABILITY AND**
2 **GOVERNMENT OPERATIONS**
3 **TITLE I—ACCOUNTABILITY**

4 **SEC. 70101. MEMBERSHIP OF THE PANDEMIC RESPONSE**
5 **ACCOUNTABILITY COMMITTEE.**

6 Section 15010(c) of the CARES Act (Public Law
7 116–136) is amended—

8 (1) in paragraph (1), by striking “and (D)”
9 and inserting “(D), and (E)”; and

10 (2) in paragraph (2)(E), by inserting “of the
11 Council” after “Chairperson”.

12 **SEC. 70102. CONGRESSIONAL NOTIFICATION OF CHANGE IN**
13 **STATUS OF INSPECTOR GENERAL.**

14 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
15 OFFICES.—Section 3(b) of the Inspector General Act of
16 1978 (5 U.S.C. App.) is amended—

17 (1) by inserting “, is placed on paid or unpaid
18 non-duty status,” after “is removed from office”;

19 (2) by inserting “, change in status,” after
20 “any such removal”; and

21 (3) by inserting “, change in status,” after “be-
22 fore the removal”.

23 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
24 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of

1 the Inspector General Act of 1978 (5 U.S.C. App.) is
2 amended—

3 (1) by inserting “, is placed on paid or unpaid
4 non-duty status,” after “office”;

5 (2) by inserting “, change in status,” after
6 “any such removal”; and

7 (3) by inserting “, change in status,” after “be-
8 fore the removal”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect 30 days after the date of the
11 enactment of this Act.

12 **SEC. 70103. PRESIDENTIAL EXPLANATION OF FAILURE TO**
13 **NOMINATE AN INSPECTOR GENERAL.**

14 (a) IN GENERAL.—Subchapter III of chapter 33 of
15 title 5, United States Code, is amended by inserting after
16 section 3349d the following new section:

17 **“§ 3349e. Presidential explanation of failure to nomi-**
18 **nate an Inspector General**

19 “If the President fails to make a formal nomination
20 for a vacant Inspector General position that requires a for-
21 mal nomination by the President to be filled within the
22 period beginning on the date on which the vacancy oc-
23 curred and ending on the day that is 210 days after that
24 date, the President shall communicate, within 30 days
25 after the end of such period, to Congress in writing—

1 “(1) the reasons why the President has not yet
2 made a formal nomination; and

3 “(2) a target date for making a formal nomina-
4 tion.”.

5 (b) **CLERICAL AMENDMENT.**—The table of sections
6 for chapter 33 of title 5, United States Code, is amended
7 by inserting after the item relating to 3349d the following
8 new item:

 “3349e. Presidential explanation of failure to nominate an Inspector General.”.

9 (c) **EFFECTIVE DATE.**—The amendment made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply to any vacancy first oc-
12 ccurring on or after that date.

13 **SEC. 70104. INSPECTOR GENERAL INDEPENDENCE.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Inspector General Independence Act”.

16 (b) **AMENDMENT.**—The Inspector General Act of
17 1978 (5 U.S.C. App.) is amended—

18 (1) in section 3(b)—

19 (A) by striking “An Inspector General”
20 and inserting “(1) An Inspector General”;

21 (B) by inserting after “by the President”
22 the following: “in accordance with paragraph
23 (2)”; and

24 (C) by inserting at the end the following
25 new paragraph:

1 “(2) The President may remove an Inspector
2 General only for any of the following grounds:

3 “(A) Permanent incapacity.

4 “(B) Inefficiency.

5 “(C) Neglect of duty.

6 “(D) Malfeasance.

7 “(E) Conviction of a felony or conduct in-
8 volving moral turpitude.

9 “(F) Knowing violation of a law, rule, or
10 regulation.

11 “(G) Gross mismanagement.

12 “(H) Gross waste of funds.

13 “(I) Abuse of authority.”; and

14 (2) in section 8G(e)(2), by adding at the end
15 the following new sentence: “An Inspector General
16 may be removed only for any of the following
17 grounds:

18 “(A) Permanent incapacity.

19 “(B) Inefficiency.

20 “(C) Neglect of duty.

21 “(D) Malfeasance.

22 “(E) Conviction of a felony or conduct in-
23 volving moral turpitude.

24 “(F) Knowing violation of a law, rule, or
25 regulation.

1 “(G) Gross mismanagement.

2 “(H) Gross waste of funds.

3 “(I) Abuse of authority.”.

4 **SEC. 70105. USPS INSPECTOR GENERAL OVERSIGHT RE-**
5 **SPONSIBILITIES.**

6 The Inspector General of the United States Postal
7 Service shall—

8 (1) conduct oversight, audits, and investigations
9 of projects and activities carried out with funds pro-
10 vided in division A of this Act to the United States
11 Postal Service; and

12 (2) not less than 90 days after the Postal Serv-
13 ice commences use of funding provided by division A
14 of this Act, and annually thereafter, initiate an audit
15 of the Postal Service’s use of appropriations and
16 borrowing authority provided by any division of this
17 Act, including the use of funds to cover lost reve-
18 nues, costs due to COVID–19, and expenditures,
19 and submit a copy of such audit to the Committee
20 on Homeland Security and Governmental Affairs of
21 the Senate, the Committee on Oversight and Reform
22 of the House of Representatives, and the Commit-
23 tees on Appropriations of the House of Representa-
24 tives and the Senate.

1 **TITLE II—CENSUS MATTERS**
2 **SEC. 70201. MODIFICATION OF 2020 CENSUS DEADLINES**
3 **AND TABULATION OF POPULATION.**

4 (a) **DEADLINE MODIFICATION.**—Notwithstanding the
5 timetables provided in sections 141(b) and (c) of title 13,
6 United States Code, and section 22(a) of the Act entitled
7 “An Act to provide for the fifteenth and subsequent decen-
8 nial censuses and to provide for an apportionment of Rep-
9 resentatives in Congress”, approved June 18, 1929 (2
10 U.S.C. 2a(a)), for the 2020 decennial census of the popu-
11 lation—

12 (1) the tabulation of total population by States
13 required by section 141(a) of such title for the ap-
14 portionment of Representatives in Congress among
15 the several States shall be completed and reported
16 by the Secretary to the President within 13 months
17 after the decennial census date of April 1, 2020, and
18 shall be made public by the Secretary no later than
19 the date on which it is reported to the President;

20 (2) the President shall transmit to the Congress
21 a statement showing the whole number of persons in
22 each State, and the number of Representatives to
23 which each State would be entitled under an appor-
24 tionment of the then existing number of Representa-
25 tives, as required by such section 22(a), and deter-

1 mined solely as described therein, within 14 days
2 after receipt of the tabulation reported by the Sec-
3 retary; and

4 (3) the tabulations of populations required by
5 section 141(c) of such title shall be completed by the
6 Secretary as expeditiously as possible after the cen-
7 sus date of April 1, 2020, taking into account each
8 State's deadlines for legislative apportionment or
9 districting, and reported to the Governor of the
10 State involved and to the officers or public bodies
11 having responsibility for legislative apportionment or
12 districting of such State, except that such tabula-
13 tions of population of each State requesting a tab-
14 ulation plan, and basic tabulations of population of
15 each other State, shall be completed, reported, and
16 transmitted to each respective State within 16
17 months after the decennial census date of April 1,
18 2020.

19 (b) QUALITY.—Data products and tabulations pro-
20 duced by the Bureau of the Census pursuant to sections
21 141(b) or (c) of title 13, United States Code, in connection
22 with the 2020 decennial census shall meet the same or
23 higher data quality standards as similar products pro-
24 duced by the Bureau of the Census in connection with the
25 2010 decennial census.

1 **SEC. 70202. REPORTING REQUIREMENTS FOR 2020 CENSUS.**

2 On the first day of each month during the period be-
3 tween the date of enactment of this Act and July 1, 2021,
4 the Director of the Bureau of the Census shall submit,
5 to the Committee on Oversight and Reform of the House
6 of Representatives, the Committee on Homeland Security
7 and Governmental Affairs of the Senate, and the Commit-
8 tees on Appropriations of the House and the Senate, a
9 report regarding the 2020 decennial census of population
10 containing the following information:

11 (1) The total number of field staff, sorted by
12 category, hired by the Bureau compared to the num-
13 ber of field staff the Bureau estimated was nec-
14 essary to carry out such census.

15 (2) Retention rates of such hired field staff.

16 (3) Average wait time for call center calls and
17 average wait time for each language provided.

18 (4) Anticipated schedule of such census oper-
19 ations.

20 (5) Total tabulated responses, categorized by
21 race and Hispanic origin.

22 (6) Total appropriations available for obligation
23 for such census and a categorized list of total dis-
24 bursements.

25 (7) Non-Response Follow-Up completion rates
26 by geographic location.

1 (8) Update/Enumerate and Update/Leave com-
2 pletion rates by geographic location.

3 (9) Total spending to date on media, advertise-
4 ments, and partnership specialists, including a geo-
5 graphic breakdown of such spending.

6 (10) Post-enumeration schedule and subsequent
7 data aggregation and delivery progress.

8 **SEC. 70203. PROVIDING BUREAU OF THE CENSUS ACCESS**
9 **TO INFORMATION FROM INSTITUTIONS OF**
10 **HIGHER EDUCATION.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, including section 444 of the General Edu-
13 cation Provisions Act (commonly known as the “Family
14 Educational Rights and Privacy Act of 1974”), an institu-
15 tion of higher education may, in furtherance of a full and
16 accurate decennial census of population count, provide to
17 the Bureau of the Census information requested by the
18 Bureau for purposes of enumeration for the 2020 decen-
19 nial census of population.

20 (b) APPLICATION.—

21 (1) INFORMATION.—Only information requested
22 on the official 2020 decennial census of population
23 form may be provided to the Bureau of the Census
24 pursuant to this section. No institution of higher
25 education may provide any information to the Bu-

1 reau on the immigration or citizenship status of any
2 individual.

3 (2) NOTICE REQUIRED.—Before information
4 can be provided to the Bureau, the institution of
5 higher education shall give public notice of the cat-
6 egories of information which it plans to provide and
7 shall allow 10 days after such notice has been given
8 for a student to inform the institution that any or
9 all of the information designated should not be re-
10 leased without the student’s prior consent. No insti-
11 tution of higher education shall provide the Bureau
12 with the information of any individual who has ob-
13 jected to the provision of such information.

14 (3) USE OF INFORMATION.—Information pro-
15 vided to the Bureau pursuant to this section may
16 only be used for the purposes of enumeration for the
17 2020 decennial census of population.

18 (c) DEFINITION OF INSTITUTION OF HIGHER EDU-
19 CATION.—In this section, the term “institution of higher
20 education” has the meaning given that term in section 102
21 of the Higher Education Act of 1965 (20 U.S.C. 1002).

22 (d) SUNSET.—The authority provided in this section
23 shall expire at the conclusion of 2020 census operations.

1 **SEC. 70204. LIMITATION ON TABULATION OF CERTAIN**
2 **DATA.**

3 (a) **LIMITATION.**—The Bureau of the Census may
4 not compile or produce any data product or tabulation as
5 part of, in combination with, or in connection with, the
6 2020 decennial census of population or any such census
7 data produced pursuant to section 141(e) of title 13,
8 United States Code, that is based in whole or in part on
9 data that is not collected in such census.

10 (b) **EXCEPTION.**—The limitation in subsection (a)
11 shall not apply to any data product or tabulation that is
12 required by sections 141(b) or (c) of such title, that uses
13 the same or substantially similar methodology and data
14 sources as a decennial census data product produced by
15 the Bureau of the Census before January 1, 2019, or that
16 uses a methodology and data sources that the Bureau of
17 the Census finalized and made public prior to January 1,
18 2018.

19 **TITLE III—FEDERAL WORKFORCE**

20 **SEC. 70301. COVID-19 TELEWORKING REQUIREMENTS FOR**
21 **FEDERAL EMPLOYEES.**

22 (a) **MANDATED TELEWORK.**—

23 (1) **IN GENERAL.**—Effective immediately upon
24 the date of enactment of this Act, the head of any
25 Federal agency shall require any employee of such
26 agency who is authorized to telework under chapter

1 65 of title 5, United States Code, or any other provi-
2 sion of law to telework during the period beginning
3 on the date of enactment of this Act and ending on
4 December 31, 2020.

5 (2) DEFINITIONS.—In this subsection—

6 (A) the term “employee” means—

7 (i) an employee of the Library of Con-
8 gress;

9 (ii) an employee of the Government
10 Accountability Office;

11 (iii) a covered employee as defined in
12 section 101 of the Congressional Account-
13 ability Act of 1995 (2 U.S.C. 1301), other
14 than an applicant for employment;

15 (iv) a covered employee as defined in
16 section 411(c) of title 3, United States
17 Code;

18 (v) a Federal officer or employee cov-
19 ered under subchapter V of chapter 63 of
20 title 5, United States Code; or

21 (vi) any other individual occupying a
22 position in the civil service (as that term is
23 defined in section 2101(1) of title 5,
24 United States Code); and

1 (B) the term “telework” has the meaning
2 given that term in section 6501(3) of such title.

3 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65
4 of title 5, United States Code, is amended as follows:

5 (1) In section 6502—

6 (A) in subsection (b)—

7 (i) in paragraph (4), by striking
8 “and” at the end;

9 (ii) in paragraph (5), by striking the
10 period at the end and inserting a semi-
11 colon; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(6) include annual goals for increasing the
15 percent of employees of the executive agency partici-
16 pating in teleworking—

17 “(A) three or more days per pay period;

18 “(B) one or 2 days per pay period;

19 “(C) once per month; and

20 “(D) on an occasional, episodic, or short-
21 term basis; and

22 “(7) include methods for collecting data on, set-
23 ting goals for, and reporting costs savings to the ex-
24 ecutive agency achieved through teleworking, con-

1 sistent with the guidance developed under section
2 70302 (c) of the HEROES Act.”; and

3 (B) by adding at the end the following:

4 “(d) NOTIFICATION FOR REDUCTION IN TELE-
5 WORKING PARTICIPATION.—Not later than 30 days before
6 the date that an executive agency implements or modifies
7 a teleworking plan that would reduce the percentage of
8 employees at the agency who telework, the head of the ex-
9 ecutive agency shall provide written notification, including
10 a justification for the reduction in telework participation
11 and a description of how the agency will pay for any in-
12 creased costs resulting from that reduction, to—

13 “(1) the Director of the Office of Personnel
14 Management;

15 “(2) the Committee on Oversight and Reform
16 of the House of Representatives; and

17 “(3) the Committee on Homeland Security and
18 Governmental Affairs of the Senate.

19 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
20 TELEWORKING.—An agency may not prohibit any delin-
21 eated period of teleworking participation for all employees
22 of the agency, including the periods described in subpara-
23 graphs (A) through (D) of subsection (b)(6). The agency
24 shall make any teleworking determination with respect to

1 an employee or group of employees at the agency on a
2 case-by-case basis.”.

3 (2) In section 6506(b)(2)—

4 (A) in subparagraph (F)(vi), by striking
5 “and” at the end;

6 (B) in subparagraph (G), by striking the
7 period at the end and inserting a semicolon;
8 and

9 (C) by adding at the end the following:

10 “(H) agency cost savings achieved through
11 teleworking, consistent with the guidance devel-
12 oped under section 2(c) of the Telework Metrics
13 and Cost Savings Act; and

14 “(I) a detailed explanation of a plan to in-
15 crease the Government-wide teleworking partici-
16 pation rate above such rate applicable to fiscal
17 year 2016, including agency-level plans to main-
18 tain or improve such rate for each of the tele-
19 working frequency categories listed under sub-
20 paragraph (A)(iii).”.

21 (c) GUIDANCE.—Not later than 90 days after the
22 date of the enactment of this Act, the Director of the Of-
23 fice of Personnel Management, in collaboration with the
24 Chief Human Capital Officer Council, shall establish uni-
25 form guidance for agencies on how to collect data on, set

1 goals for, and report cost savings achieved through, tele-
2 working. Such guidance shall account for cost savings re-
3 lated to travel, energy use, and real estate.

4 (d) **TECHNICAL CORRECTION.**—Section 6506(b)(1)
5 of title 5, United States Code, is amended by striking
6 “with Chief” and inserting “with the Chief”.

7 **SEC. 70302. RETIREMENT FOR CERTAIN EMPLOYEES.**

8 (a) **CSRS.**—Section 8336(c) of title 5, United States
9 Code, is amended by adding at the end the following:

10 “(3)(A) In this paragraph—

11 “(i) the term ‘affected individual’
12 means an individual covered under this
13 subchapter who—

14 “(I) is performing service in a
15 covered position;

16 “(II) is diagnosed with COVID-
17 19 before the date on which the indi-
18 vidual becomes entitled to an annuity
19 under paragraph (1) of this sub-
20 section or subsection (e), (m), or (n),
21 as applicable;

22 “(III) because of the illness de-
23 scribed in subclause (II), is perma-
24 nently unable to render useful and ef-
25 ficient service in the employee’s cov-

1 ered position, as determined by the
2 agency in which the individual was
3 serving when such individual incurred
4 the illness; and

5 “(IV) is appointed to a position
6 in the civil service that—

7 “(aa) is not a covered posi-
8 tion; and

9 “(bb) is within an agency
10 that regularly appoints individ-
11 uals to supervisory or administra-
12 tive positions related to the ac-
13 tivities of the former covered po-
14 sition of the individual;

15 “(ii) the term ‘covered position’ means
16 a position as a law enforcement officer,
17 customs and border protection officer, fire-
18 fighter, air traffic controller, nuclear mate-
19 rials courier, member of the Capitol Police,
20 or member of the Supreme Court Police;
21 and

22 “(iii) the term ‘COVID–19’ means the
23 2019 Novel Coronavirus or 2019-nCoV.

24 “(B) Unless an affected individual files an
25 election described in subparagraph (E), cred-

1 itable service by the affected individual in a po-
2 sition described in subparagraph (A)(i)(IV)
3 shall be treated as creditable service in a cov-
4 ered position for purposes of this chapter and
5 determining the amount to be deducted and
6 withheld from the pay of the affected individual
7 under section 8334.

8 “(C) Subparagraph (B) shall only apply if
9 the affected employee transitions to a position
10 described in subparagraph (A)(i)(IV) without a
11 break in service exceeding 3 days.

12 “(D) The service of an affected individual
13 shall no longer be eligible for treatment under
14 subparagraph (B) if such service occurs after
15 the individual—

16 “(i) is transferred to a supervisory or
17 administrative position related to the ac-
18 tivities of the former covered position of
19 the individual; or

20 “(ii) meets the age and service re-
21 quirements that would subject the indi-
22 vidual to mandatory separation under sec-
23 tion 8335 if such individual had remained
24 in the former covered position.

1 “(E) In accordance with procedures estab-
2 lished by the Director of the Office of Personnel
3 Management, an affected individual may file an
4 election to have any creditable service per-
5 formed by the affected individual treated in ac-
6 cordance with this chapter without regard to
7 subparagraph (B).

8 “(F) Nothing in this paragraph shall be
9 construed to apply to such affected individual
10 any other pay-related laws or regulations appli-
11 cable to a covered position.”.

12 (b) FERS.—

13 (1) IN GENERAL.—Section 8412(d) of title 5,
14 United States Code, is amended—

15 (A) by redesignating paragraphs (1) and
16 (2) as subparagraphs (A) and (B), respectively;

17 (B) by inserting “(1)” before “An em-
18 ployee”; and

19 (C) by adding at the end the following:

20 “(2)(A) In this paragraph—

21 “(i) the term ‘affected individual’
22 means an individual covered under this
23 chapter who—

24 “(I) is performing service in a
25 covered position;

1 “(II) is diagnosed with COVID–
2 19 before the date on which the indi-
3 vidual becomes entitled to an annuity
4 under paragraph (1) of this sub-
5 section or subsection (e), as applica-
6 ble;

7 “(III) because of the illness de-
8 scribed in subclause (II), is perma-
9 nently unable to render useful and ef-
10 ficient service in the employee’s cov-
11 ered position, as determined by the
12 agency in which the individual was
13 serving when such individual incurred
14 the illness; and

15 “(IV) is appointed to a position
16 in the civil service that—

17 “(aa) is not a covered posi-
18 tion; and

19 “(bb) is within an agency
20 that regularly appoints individ-
21 uals to supervisory or administra-
22 tive positions related to the ac-
23 tivities of the former covered po-
24 sition of the individual;

1 “(ii) the term ‘covered position’ means
2 a position as a law enforcement officer,
3 customs and border protection officer, fire-
4 fighter, air traffic controller, nuclear mate-
5 rials courier, member of the Capitol Police,
6 or member of the Supreme Court Police;
7 and

8 “(iii) the term ‘COVID–19’ means the
9 2019 Novel Coronavirus or 2019-nCoV.

10 “(B) Unless an affected individual files an
11 election described in subparagraph (E), cred-
12 itable service by the affected individual in a po-
13 sition described in subparagraph (A)(i)(IV)
14 shall be treated as creditable service in a cov-
15 ered position for purposes of this chapter and
16 determining the amount to be deducted and
17 withheld from the pay of the affected individual
18 under section 8422.

19 “(C) Subparagraph (B) shall only apply if
20 the affected employee transitions to a position
21 described in subparagraph (A)(i)(IV) without a
22 break in service exceeding 3 days.

23 “(D) The service of an affected individual
24 shall no longer be eligible for treatment under

1 subparagraph (B) if such service occurs after
2 the individual—

3 “(i) is transferred to a supervisory or
4 administrative position related to the ac-
5 tivities of the former covered position of
6 the individual; or

7 “(ii) meets the age and service re-
8 quirements that would subject the indi-
9 vidual to mandatory separation under sec-
10 tion 8425 if such individual had remained
11 in the former covered position.

12 “(E) In accordance with procedures estab-
13 lished by the Director of the Office of Personnel
14 Management, an affected individual may file an
15 election to have any creditable service per-
16 formed by the affected individual treated in ac-
17 cordance with this chapter without regard to
18 subparagraph (B).

19 “(F) Nothing in this paragraph shall be
20 construed to apply to such affected individual
21 any other pay-related laws or regulations appli-
22 cable to a covered position.”.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENTS.—

1 (A) Chapter 84 of title 5, United States
2 Code, is amended—

3 (i) in section 8414(b)(3), by inserting
4 “(1)” after “subsection (d)”;

5 (ii) in section 8415—

6 (I) in subsection (e), in the mat-
7 ter preceding paragraph (1), by in-
8 serting “(1)” after “subsection (d)”;
9 and

10 (II) in subsection (h)(2)(A), by
11 striking “(d)(2)” and inserting
12 “(d)(1)(B)”;

13 (iii) in section 8421(a)(1), by insert-
14 ing “(1)” after “(d)”;

15 (iv) in section 8421a(b)(4)(B)(ii), by
16 inserting “(1)” after “section 8412(d)”;

17 (v) in section 8425, by inserting “(1)”
18 after “section 8412(d)” each place it ap-
19 pears; and

20 (vi) in section 8462(c)(3)(B)(ii), by
21 inserting “(1)” after “subsection (d)”.

22 (B) Title VIII of the Foreign Service Act
23 of 1980 (22 U.S.C. 4041 et seq.) is amended—

1 (i) in section 805(d)(5) (22 U.S.C.
2 4045(d)(5)), by inserting “(1)” after “or
3 8412(d)”;

4 (ii) in section 812(a)(2)(B) (22
5 U.S.C. 4052(a)(2)(B)), by inserting “(1)”
6 after “or 8412(d)”.

7 (c) CIA EMPLOYEES.—Section 302 of the Central In-
8 telligence Agency Retirement Act (50 U.S.C. 2152) is
9 amended by adding at the end the following:

10 “(d) EMPLOYEES DISABLED ON DUTY.—

11 “(1) DEFINITIONS.—In this subsection—

12 “(A) the term ‘affected employee’ means
13 an employee of the Agency covered under sub-
14 chapter II of chapter 84 of title 5, United
15 States Code, who—

16 “(i) is performing service in a position
17 designated under subsection (a);

18 “(ii) is diagnosed with COVID–19 be-
19 fore the date on which the employee be-
20 comes entitled to an annuity under section
21 233 of this Act or section 8412(d)(1) of
22 title 5, United States Code;

23 “(iii) because of the illness described
24 in clause (ii), is permanently unable to
25 render useful and efficient service in the

1 employee's covered position, as determined
2 by the Director; and

3 “(iv) is appointed to a position in the
4 civil service that is not a covered position
5 but is within the Agency;

6 “(B) the term ‘covered position’ means a
7 position as—

8 “(i) a law enforcement officer de-
9 scribed in section 8331(20) or 8401(17) of
10 title 5, United States Code;

11 “(ii) a customs and border protection
12 officer described in section 8331(31) or
13 8401(36) of title 5, United States Code;

14 “(iii) a firefighter described in section
15 8331(21) or 8401(14) of title 5, United
16 States Code;

17 “(iv) an air traffic controller described
18 in section 8331(30) or 8401(35) of title 5,
19 United States Code;

20 “(v) a nuclear materials courier de-
21 scribed in section 8331(27) or 8401(33) of
22 title 5, United States Code;

23 “(vi) a member of the United States
24 Capitol Police;

1 “(vii) a member of the Supreme Court
2 Police;

3 “(viii) an affected employee; or

4 “(ix) a special agent described in sec-
5 tion 804(15) of the Foreign Service Act of
6 1980 (22 U.S.C. 4044(15)); and

7 “(C) the term ‘COVID–19’ means the
8 2019 Novel Coronavirus or 2019-nCoV.

9 “(2) TREATMENT OF SERVICE AFTER DIS-
10 ABILITY.—Unless an affected employee files an elec-
11 tion described in paragraph (3), creditable service by
12 the affected employee in a position described in
13 paragraph (1)(A)(iv) shall be treated as creditable
14 service in a covered position for purposes of this Act
15 and chapter 84 of title 5, United States Code, in-
16 cluding eligibility for an annuity under section 233
17 of this Act or 8412(d)(1) of title 5, United States
18 Code, and determining the amount to be deducted
19 and withheld from the pay of the affected employee
20 under section 8422 of title 5, United States Code.

21 “(3) BREAK IN SERVICE.—Paragraph (2) shall
22 only apply if the affected employee transitions to a
23 position described in paragraph (1)(A)(iv) without a
24 break in service exceeding 3 days.

1 “(4) LIMITATION ON TREATMENT OF SERV-
2 ICE.—The service of an affected employee shall no
3 longer be eligible for treatment under paragraph (2)
4 if such service occurs after the employee is trans-
5 ferred to a supervisory or administrative position re-
6 lated to the activities of the former covered position
7 of the employee.

8 “(5) OPT OUT.—An affected employee may file
9 an election to have any creditable service performed
10 by the affected employee treated in accordance with
11 chapter 84 of title 5, United States Code, without
12 regard to paragraph (2).”.

13 (d) FOREIGN SERVICE RETIREMENT AND DIS-
14 ABILITY SYSTEM.—Section 806(a)(6) of the Foreign Serv-
15 ice Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by
16 adding at the end the following:

17 “(D)(i) In this subparagraph—

18 “(I) the term ‘affected special
19 agent’ means an individual covered
20 under this subchapter who—

21 “(aa) is performing service
22 as a special agent;

23 “(bb) is diagnosed with
24 COVID-19 before the date on
25 which the individual becomes en-

1 titled to an annuity under section
2 811;

3 “(cc) because of the illness
4 described in item (bb), is perma-
5 nently unable to render useful
6 and efficient service in the em-
7 ployee’s covered position, as de-
8 termined by the Secretary; and

9 “(dd) is appointed to a posi-
10 tion in the Foreign Service that
11 is not a covered position;

12 “(II) the term ‘covered position’
13 means a position as—

14 “(aa) a law enforcement of-
15 ficer described in section
16 8331(20) or 8401(17) of title 5,
17 United States Code;

18 “(bb) a customs and border
19 protection officer described in
20 section 8331(31) or 8401(36) of
21 title 5, United States Code;

22 “(cc) a firefighter described
23 in section 8331(21) or 8401(14)
24 of title 5, United States Code;

1 “(dd) an air traffic con-
2 troller described in section
3 8331(30) or 8401(35) of title 5,
4 United States Code;

5 “(ee) a nuclear materials
6 courier described in section
7 8331(27) or 8401(33) of title 5,
8 United States Code;

9 “(ff) a member of the
10 United States Capitol Police;

11 “(gg) a member of the Su-
12 preme Court Police;

13 “(hh) an employee of the
14 Agency designated under section
15 302(a) of the Central Intelligence
16 Agency Retirement Act (50
17 U.S.C. 2152(a)); or

18 “(ii) a special agent; and

19 “(III) the term ‘COVID–19’
20 means the 2019 Novel Coronavirus or
21 2019-nCoV.

22 “(ii) Unless an affected special agent files
23 an election described in clause (iv), creditable
24 service by the affected special agent in a posi-
25 tion described in clause (i)(I)(dd) shall be treat-

1 ed as creditable service as a special agent for
2 purposes of this subchapter, including deter-
3 mining the amount to be deducted and withheld
4 from the pay of the individual under section
5 805.

6 “(iii) Clause (ii) shall only apply if the spe-
7 cial agent transitions to a position described in
8 clause (i)(I)(dd) without a break in service ex-
9 ceeding 3 days.

10 “(iv) The service of an affected employee
11 shall no longer be eligible for treatment under
12 clause (ii) if such service occurs after the em-
13 ployee is transferred to a supervisory or admin-
14 istrative position related to the activities of the
15 former covered position of the employee.

16 “(v) In accordance with procedures estab-
17 lished by the Secretary, an affected special
18 agent may file an election to have any cred-
19 itable service performed by the affected special
20 agent treated in accordance with this sub-
21 chapter, without regard to clause (ii).”.

22 (e) IMPLEMENTATION.—

23 (1) OFFICE OF PERSONNEL MANAGEMENT.—

24 The Director of the Office of Personnel Management

1 shall promulgate regulations to carry out the amend-
2 ments made by subsections (a) and (b).

3 (2) CIA EMPLOYEES.—The Director of the
4 Central Intelligence Agency shall promulgate regula-
5 tions to carry out the amendment made by sub-
6 section (c).

7 (3) FOREIGN SERVICE RETIREMENT AND DIS-
8 ABILITY SYSTEM.—The Secretary of State shall pro-
9 mulgate regulations to carry out the amendment
10 made by subsection (d).

11 (4) AGENCY REAPPOINTMENT.—The regula-
12 tions promulgated to carry out the amendments
13 made by this section shall ensure that, to the great-
14 est extent possible, the head of each agency appoints
15 affected employees or special agents to supervisory
16 or administrative positions related to the activities of
17 the former covered position of the employee or spe-
18 cial agent.

19 (5) TREATMENT OF SERVICE.—The regulations
20 promulgated to carry out the amendments made by
21 this section shall ensure that the creditable service
22 of an affected employee or special agent (as the case
23 may be) that is not in a covered position pursuant
24 to an election made under such amendments shall be
25 treated as the same type of service as the covered

1 position in which the employee or agent suffered the
2 qualifying illness.

3 (f) EFFECTIVE DATE; APPLICABILITY.—The amend-
4 ments made by this section—

5 (1) shall take effect on the date of enactment
6 of this section; and

7 (2) shall apply to an individual who suffers an
8 illness described in section 8336(c)(3)(A)(i)(II) or
9 section 8412(d)(2)(A)(i)(II) of title 5, United States
10 Code (as amended by this section), section
11 302(d)(1)(A)(ii) of the Central Intelligence Agency
12 Retirement Act (as amended by this section), or sec-
13 tion 806(a)(6)(D)(i)(I)(bb) of the Foreign Service
14 Act of 1980 (as amended by this section), on or
15 after the date that is 2 years after the date of enact-
16 ment of this section.

17 **SEC. 70303. PRESUMPTION OF ELIGIBILITY FOR WORKERS'**
18 **COMPENSATION BENEFITS FOR FEDERAL**
19 **EMPLOYEES DIAGNOSED WITH**
20 **CORONAVIRUS.**

21 (a) IN GENERAL.—An employee who is diagnosed
22 with COVID–19 during the period described in subsection
23 (b)(2)(A) shall, with respect to any claim made by or on
24 behalf of the employee for benefits under subchapter I of
25 chapter 81 of title 5, United States Code, be deemed to

1 have an injury proximately caused by exposure to
2 coronavirus arising out of the nature of the employee's em-
3 ployment and be presumptively entitled to such benefits,
4 including disability compensation, medical services, and
5 survivor benefits.

6 (b) DEFINITIONS.—In this section—

7 (1) the term “coronavirus” means SARS-
8 CoV-2 or another coronavirus with pandemic poten-
9 tial; and

10 (2) the term “employee”—

11 (A) means an employee as that term is de-
12 fined in section 8101(1) of title 5, United
13 States Code, (including an employee of the
14 United States Postal Service, the Transpor-
15 tation Security Administration, or the Depart-
16 ment of Veterans Affairs, including any indi-
17 vidual appointed under chapter 73 or 74 of title
18 38, United States Code) employed in the Fed-
19 eral service at anytime during the period begin-
20 ning on January 27, 2020, and ending on Jan-
21 uary 30, 2022—

22 (i) who carried out duties requiring
23 contact with patients, members of the pub-
24 lic, or co-workers; or

1 (ii) whose duties include a risk of ex-
2 posure to the coronavirus; and

3 (B) does not include any employee other-
4 wise covered by subparagraph (A) who is tele-
5 working on a full-time basis during all of such
6 period.

7 TITLE IV—FEDERAL CONTRACTING

8 PROVISIONS

9 **SEC. 70401. MANDATORY TELEWORK.**

10 (a) IN GENERAL.—During the emergency period, the
11 Director of the Office of Management and Budget shall
12 direct agencies to allow telework for all contractor per-
13 sonnel to the maximum extent practicable. Additionally,
14 the Director shall direct contracting officers to document
15 any decision to not allow telework during the emergency
16 period in the contract file.

17 (b) EMERGENCY PERIOD DEFINED.—In this section,
18 the term “emergency period” means the period that—

19 (1) begins on the date that is not later than 15
20 days after the date of the enactment of this Act; and

21 (2) ends on the date that the public health
22 emergency declared pursuant to section 319 of the
23 Public Health Service Act (42 U.S.C. 247d) as re-
24 sult of COVID–19, including any renewal thereof,
25 expires.

1 **SEC. 70402. GUIDANCE ON THE IMPLEMENTATION OF SEC-**
2 **TION 3610 OF THE CARES ACT.**

3 Not later than 15 days after the date of the enact-
4 ment of this Act, the Director of the Office of Manage-
5 ment and Budget shall issue guidance to ensure uniform
6 implementation across agencies of section 3610 of the
7 CARES Act (Public Law 116–136). Any such guidance
8 shall—

9 (1) limit the basic requirements for reimburse-
10 ment to those included in such Act and the effective
11 date for such reimbursement shall be January 31,
12 2020; and

13 (2) clarify that the term “minimum applicable
14 contract billing rates” as used in such section in-
15 cludes the financial impact incurred as a con-
16 sequence of keeping the employees or subcontractors
17 of the contractor in a ready state (such as the base
18 hourly wage rate of an employee, plus indirect costs,
19 fees, and general and administrative expenses).

20 **SEC. 70403. PAST PERFORMANCE RATINGS.**

21 Section 1126 of title 41, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(c) EXCEPTION FOR FAILURE TO DELIVER GOODS
25 OR COMPLETE WORK DUE TO COVID–19.—If the head of
26 an executive agency determines that a contractor failed

1 to deliver goods or complete work as a result of measures
2 taken as a result of COVID–19 under a contract with the
3 agency by the date or within the time period imposed by
4 the contract, any information relating to such failure may
5 not be—

6 “(1) included in any past performance database
7 used by executive agencies for making source selec-
8 tion decisions; or

9 “(2) evaluated unfavorably as a factor of past
10 contract performance.”.

11 **SEC. 70404. ACCELERATED PAYMENTS.**

12 Not later than 10 days after the date of the enact-
13 ment of this Act and ending on the expiration of the public
14 health emergency declared pursuant to section 319 of the
15 Public Health Service Act (42 U.S.C. 247d) as a result
16 of COVID–19, including any renewal thereof, the Director
17 of the Office of Management and Budget shall direct con-
18 tracting officers to establish an accelerated payment date
19 for any prime contract (as defined in section 8701 of title
20 41, United States Code) with payments due 15 days after
21 the receipt of a proper invoice.

1 TITLE V—DISTRICT OF COLUMBIA

2 **SEC. 70501. SPECIAL BORROWING BY THE DISTRICT OF CO-**
3 **LUMBIA.**

4 (a) AUTHORIZING BORROWING UNDER MUNICIPAL
5 LIQUIDITY FACILITY OF FEDERAL RESERVE BOARD AND
6 SIMILAR FACILITIES OR PROGRAMS.—The Council of the
7 District of Columbia (hereafter in this section referred to
8 as the “Council”) may by act authorize the issuance of
9 bonds, notes, and other obligations, in amounts deter-
10 mined by the Chief Financial Officer of the District of
11 Columbia to meet cash-flow needs of the District of Co-
12 lumbia government, for purchase by the Board of Gov-
13 ernors of the Federal Reserve under the Municipal Liquid-
14 ity Facility of the Federal Reserve or any other facility
15 or program of the Federal Reserve or another entity of
16 the Federal government which is established in response
17 to the COVID–19 Pandemic.

18 (b) REQUIRING ISSUANCE TO BE COMPETITIVE
19 WITH OTHER FORMS OF BORROWING.—The Council may
20 authorize the issuance of bonds, notes, or other obligations
21 under subsection (a) only if the issuance of such bonds,
22 notes, and other obligations is competitive with other
23 forms of borrowing in the financial market.

24 (c) TREATMENT AS GENERAL OBLIGATION.—Any
25 bond, note, or other obligation issued under subsection (a)

1 shall, if provided in the act of the Council, be a general
2 obligation of the District.

3 (d) PAYMENTS NOT SUBJECT TO APPROPRIATION.—

4 No appropriation is required to pay—

5 (1) any amount (including the amount of any
6 accrued interest or premium) obligated or expended
7 from or pursuant to subsection (a) for or from the
8 sale of any bonds, notes, or other obligation under
9 such subsection;

10 (2) any amount obligated or expended for the
11 payment of principal of, interest on, or any premium
12 for any bonds, notes, or other obligations issued
13 under subsection (a);

14 (3) any amount obligated or expended pursuant
15 to provisions made to secure any bonds, notes, or
16 other obligations issued under subsection (a); or

17 (4) any amount obligated or expended pursuant
18 to commitments, including lines of credit or costs of
19 issuance, made or entered in connection with the
20 issuance of any bonds, notes, or other obligations for
21 operating or capital costs financed under subsection
22 (a).

23 (e) RENEWAL.—Any bond, note, or other obligation
24 issued under subsection (a) may be renewed if authorized
25 by an act of the Council.

1 (f) PAYMENT.—Any bonds, notes, or other obliga-
2 tions issued under subsection (a), including any renewal
3 of such bonds, notes, or other obligations, shall be due
4 and payable on such terms and conditions as are con-
5 sistent with the terms and conditions of the Municipal Li-
6 quidity Facility or other facility or program referred to
7 in subsection (a).

8 (g) INCLUSION OF PAYMENTS IN ANNUAL BUDG-
9 ET.—The Council shall provide in each annual budget for
10 the District of Columbia government sufficient funds to
11 pay the principal of and interest on all bonds, notes, or
12 other obligations issued under subsection (a) of this sec-
13 tion becoming due and payable during such fiscal year.

14 (h) OBLIGATION TO PAY.—The Mayor of the District
15 of Columbia shall ensure that the principal of and interest
16 on all bonds, notes, or other obligations issued under sub-
17 section (a) are paid when due, including by paying such
18 principal and interest from funds not otherwise legally
19 committed.

20 (i) SECURITY INTEREST IN DISTRICT REVENUES.—
21 The Council may by act provide for a security interest in
22 any District of Columbia revenues as additional security
23 for the payment of any bond, note, or other obligation
24 issued under subsection (a).

1 TITLE VI—OTHER MATTERS

2 **SEC. 70601. ESTIMATES OF AGGREGATE ECONOMIC**
3 **GROWTH ACROSS INCOME GROUPS.**4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Measuring Real Income Growth Act of 2020”.6 (b) **DEFINITIONS.**—In this section:7 (1) **BUREAU.**—The term “Bureau” means the
8 Bureau of Economic Analysis of the Department of
9 Commerce.10 (2) **GROSS DOMESTIC PRODUCT ANALYSIS.**—
11 The term “gross domestic product analysis”—12 (A) means a quarterly or annual analysis
13 conducted by the Bureau with respect to the
14 gross domestic product of the United States;
15 and16 (B) includes a revision prepared by the
17 Bureau of an analysis described in subpara-
18 graph (A).19 (3) **RECENT ESTIMATE.**—The term “recent es-
20 timate” means the most recent estimate described in
21 subsection (c) that is available on the date on which
22 the gross domestic product analysis with which the
23 estimate is to be included is conducted.24 (c) **INCLUSION IN REPORTS.**—Beginning in 2020, in
25 each gross domestic product analysis conducted by the Bu-

1 reau, the Bureau shall include a recent estimate of, with
2 respect to specific percentile groups of income, the total
3 amount that was added to the economy of the United
4 States during the period to which the recent estimate per-
5 tains, including in—

6 (1) each of the 10 deciles of income; and

7 (2) the highest 1 percent of income.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Secretary of Com-
10 merce such sums as are necessary to carry out this sec-
11 tion.

12 **SEC. 70602. WAIVER OF MATCHING FUNDS REQUIREMENT**
13 **FOR THE DRUG FREE COMMUNITIES SUP-**
14 **PORT PROGRAM.**

15 The matching funds requirement under paragraphs
16 (1)(A)(i), (1)(A)(iii), and (3)(D) of section 1032(b) of the
17 Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)) may
18 be modified or waived by the Administrator if a grantee
19 or applicant is unable to meet the requirement as a result
20 of the public health emergency declared pursuant to sec-
21 tion 319 of the Public Health Service Act (42 U.S.C.
22 247d) as a result of COVID–19.

1 **SEC. 70603. UNITED STATES POSTAL SERVICE BORROWING**

2 **AUTHORITY.**

3 Subsection (b)(2) of section 6001 of the Coronavirus
4 Aid, Relief, and Economic Security Act (Public Law 116–
5 136) is amended to read as follows:

6 “(2) the Secretary of the Treasury shall lend up
7 to the amount described in paragraph (1) at the re-
8 quest of the Postal Service subject to the terms and
9 conditions of the note purchase agreement between
10 the Postal Service and the Federal Financing Bank
11 in effect on September 29, 2018.”.

1 **DIVISION H—VETERANS AND**
2 **SERVICEMEMBERS PROVISIONS**

3 **SEC. 80001. MODIFICATION OF PAY LIMITATION FOR CER-**
4 **TAIN HIGH-LEVEL EMPLOYEES AND OFFI-**
5 **CERS OF THE DEPARTMENT OF VETERANS**
6 **AFFAIRS.**

7 (a) **MODIFICATION.**—Section 7404(d) of title 38,
8 United States Code, is amended by inserting “and except
9 for individuals appointed under 7401(4) and 7306 of this
10 title,” after “section 7457 of this title,”.

11 (b) **WAIVERS.**—

12 (1) **IN GENERAL.**—The Secretary of Veterans
13 Affairs may waive the limitation described in section
14 7404(d) of such title, as in effect on the day before
15 the date of the enactment of this Act, on the amount
16 of basic pay payable to individuals appointed under
17 section 7401(4) or 7306 of such title for basic pay
18 payable during the period—

19 (A) beginning on November 1, 2010; and

20 (B) ending on the day before the date of
21 the enactment of this Act.

22 (2) **FORM.**—The Secretary shall prescribe the
23 form for requesting a waiver under paragraph (1).

24 (3) **TREATMENT OF WAIVER.**—A decision not to
25 grant a waiver under paragraph (1) shall not be

1 treated as an adverse action and is not subject to
2 further appeal, third-party review, or judicial review.

3 **SEC. 80002. INCREASE OF AMOUNT OF CERTAIN DEPART-**
4 **MENT OF VETERANS AFFAIRS PAYMENTS**
5 **DURING EMERGENCY PERIOD RESULTING**
6 **FROM COVID-19 PANDEMIC.**

7 (a) IN GENERAL.—During the covered period, the
8 Secretary of Veterans Affairs shall apply each of the fol-
9 lowing provisions of title 38, United States Code, by sub-
10 stituting for each of the dollar amounts in such provision
11 the amount equal to 125 percent of the dollar amount that
12 was in effect under such provision on the date of the en-
13 actment of this Act:

14 (1) Subsections (l), (m), (r), and (t) of section
15 1114.

16 (2) Paragraph (1)(E) of section 1115.

17 (3) Subsection (c) of section 1311.

18 (4) Subsection (g) of section 1315.

19 (5) Paragraphs (1) and (2) of subsection (d) of
20 section 1521.

21 (6) Paragraphs (2) and (4) of subsection (f) of
22 section 1521.

23 (b) TREATMENT OF AMOUNTS.—Any amount payable
24 to an individual under subsection (a) in excess of the
25 amount otherwise in effect shall be in addition to any

1 other benefit or any other amount payable to that indi-
2 vidual under any provision of law referred to in subsection
3 (a) or any other provision of law administered by the Sec-
4 retary of Veterans Affairs.

5 (c) COVERED PERIOD.—In this section, the covered
6 period is the period that begins on the date of the enact-
7 ment of this Act and ends 60 days after the last day of
8 the emergency period (as defined in section 1135(g)(1) of
9 the Social Security Act (42 U.S.C. 1320b-5(g)(1))) result-
10 ing from the COVID–19 pandemic.

11 **SEC. 80003. PROHIBITION ON COPAYMENTS AND COST**
12 **SHARING FOR VETERANS RECEIVING PRE-**
13 **VENTIVE SERVICES RELATING TO COVID–19.**

14 (a) PROHIBITION.—The Secretary of Veterans Af-
15 fairs may not require any copayment or other cost sharing
16 under chapter 17 of title 38, United States Code, for
17 qualifying coronavirus preventive services. The require-
18 ment described in this subsection shall take effect with
19 respect to a qualifying coronavirus preventive service on
20 the specified date.

21 (b) DEFINITIONS.—In this section, the terms “quali-
22 fying coronavirus preventive service” and “specified date”
23 have the meaning given those terms in section 3203 of
24 the CARES Act (Public Law 116–136).

1 **SEC. 80004. MODIFICATION OF CALCULATION OF AMOUNTS**
2 **OF PER DIEM GRANTS.**

3 Section 2012(a)(2)(B) of title 38, United States
4 Code, is amended—

5 (1) in clause (i), by inserting “or (iii)” after
6 “clause (ii)”; and

7 (2) by adding at the end the following new
8 clause:

9 “(iii) With respect to a homeless veteran who
10 has care of a minor dependent while receiving serv-
11 ices from the grant recipient or eligible entity, the
12 daily cost of care shall be the sum of the daily cost
13 of care determined under subparagraph (A) plus, for
14 each such minor dependent, an amount that equals
15 50 percent of such daily cost of care.”.

16 **SEC. 80005. EMERGENCY TREATMENT FOR VETERANS DUR-**
17 **ING COVID-19 EMERGENCY PERIOD.**

18 (a) EMERGENCY TREATMENT.—Notwithstanding
19 section 1725 or 1728 of title 38, United States Code, or
20 any other provision of law administered by the Secretary
21 of Veterans Affairs pertaining to furnishing emergency
22 treatment to veterans at non-Department facilities, during
23 the period of a covered public health emergency, the Sec-
24 retary of Veterans Affairs shall furnish to an eligible vet-
25 eran emergency treatment at a non-Department facility in
26 accordance with this section.

1 (b) AUTHORIZATION NOT REQUIRED.—The Sec-
2 retary may not require an eligible veteran to seek author-
3 ization by the Secretary for emergency treatment fur-
4 nished to the veteran pursuant to subsection (a).

5 (c) PAYMENT RATES.—

6 (1) DETERMINATION.—The rate paid for emer-
7 gency treatment furnished to eligible veterans pursu-
8 ant to subsection (a) shall be equal to the rate paid
9 by the United States to a provider of services (as de-
10 fined in section 1861(u) of the Social Security Act
11 (42 U.S.C. 1395x(u))) or a supplier (as defined in
12 section 1861(d) of such Act (42 U.S.C. 1395x(d)))
13 under the Medicare program under title XI or title
14 XVIII of the Social Security Act (42 U.S.C. 1301 et
15 seq.), including section 1834 of such Act (42 U.S.C.
16 1395m), for the same treatment.

17 (2) FINALITY.—A payment in the amount pay-
18 able under paragraph (1) for emergency treatment
19 furnished to an eligible veteran pursuant to sub-
20 section (a) shall be considered payment in full and
21 shall extinguish the veteran's liability to the provider
22 of such treatment, unless the provider rejects the
23 payment and refunds to the United States such
24 amount by not later than 30 days after receiving the
25 payment.

1 (d) CLAIMS PROCESSED BY THIRD PARTY ADMINIS-
2 TRATORS.—

3 (1) REQUIREMENT.—Not later than 30 days
4 after the date of the enactment of this Act, the Sec-
5 retary shall seek to award a contract to one or more
6 entities, or to modify an existing contract, to process
7 claims for payment for emergency treatment fur-
8 nished to eligible veterans pursuant to subsection
9 (a).

10 (2) PROMPT PAYMENT STANDARD.—Section
11 1703D of title 38, United States Code, shall apply
12 with respect to claims for payment for emergency
13 treatment furnished to eligible veterans pursuant to
14 subsection (a).

15 (e) PRIMARY PAYER.—The Secretary shall be the pri-
16 mary payer with respect to emergency treatment furnished
17 to eligible veterans pursuant to subsection (a), and with
18 respect to the transportation of a veteran by ambulance.
19 In any case in which an eligible veteran is furnished such
20 emergency treatment for a non-service-connected disability
21 described in subsection (a)(2) of section 1729 of title 38,
22 United States Code, the Secretary shall recover or collect
23 reasonable charges for such treatment from a health plan
24 contract described in such section 1729 in accordance with
25 such section.

1 (f) APPLICATION.—This section shall apply to emer-
2 gency treatment furnished to eligible veterans during the
3 period of a covered public health emergency, regardless of
4 whether treatment was furnished before the date of the
5 enactment of this Act.

6 (g) DEFINITIONS.—In this section:

7 (1) The term “covered public health emer-
8 gency” means the declaration—

9 (A) of a public health emergency, based on
10 an outbreak of COVID–19 by the Secretary of
11 Health and Human Services under section 319
12 of the Public Health Service Act (42 U.S.C.
13 247d); or

14 (B) of a domestic emergency, based on an
15 outbreak of COVID–19 by the President, the
16 Secretary of Homeland Security, or a State or
17 local authority.

18 (2) The term “eligible veteran” means a vet-
19 eran enrolled in the health care system established
20 under section 1705 of title 38, United States Code.

21 (3) The term “emergency treatment” means
22 medical care or services rendered in a medical emer-
23 gency of such nature that a prudent layperson rea-
24 sonably expects that delay in seeking immediate

1 medical attention would be hazardous to life or
2 health.

3 (4) The term “non-Department facility” has
4 the meaning given that term in section 1701 of title
5 38, United States Code.

6 **SEC. 80006. FLEXIBILITY FOR THE SECRETARY OF VET-**
7 **ERANS AFFAIRS IN CARING FOR HOMELESS**
8 **VETERANS DURING A COVERED PUBLIC**
9 **HEALTH EMERGENCY.**

10 (a) GENERAL SUPPORT.—

11 (1) USE OF FUNDS.—During a covered public
12 health emergency, the Secretary of Veterans Affairs
13 may use amounts appropriated or otherwise made
14 available to the Department of Veterans Affairs to
15 carry out sections 2011, 2012, and 2061 of title 38,
16 United States Code, to provide to homeless veterans
17 the following:

18 (A) Food.

19 (B) Shelter.

20 (C) Basic supplies (such as clothing, blan-
21 kets, and toiletry items).

22 (D) Transportation.

23 (E) Communications equipment and re-
24 quired capabilities (such as smartphones, dis-
25 posable phones, and phone service plans).

1 (F) Such other assistance as the Secretary
2 determines appropriate.

3 (2) HOMELESS VETERANS ON LAND OF THE
4 DEPARTMENT.—

5 (A) USE OF REVOLVING FUND.—During a
6 covered public health emergency, the Secretary
7 may use amounts in the revolving fund under
8 section 8109(h) of title 38, United States Code,
9 to alter parking facilities of the Department to
10 facilitate the use of such facilities as temporary
11 shelter locations for homeless veterans.

12 (B) PARTNERSHIPS.—During a covered
13 public health emergency, the Secretary may
14 partner with one or more organizations to man-
15 age land of the Department used by homeless
16 veterans for sleeping.

17 (C) EQUIPMENT.—During a covered public
18 health emergency, the Secretary shall not be re-
19 sponsible for furnishing outdoor equipment nec-
20 essary for sleeping on land of the Department.

21 (b) GRANT AND PER DIEM PROGRAM.—

22 (1) MAXIMUM PER DIEM RATE.—Notwith-
23 standing paragraph (2) of section 2012(a) of title
24 38, United States Code, during a covered public
25 health emergency, the maximum rate of per diem

1 authorized under such section is 300 percent of the
2 rate authorized for State homes for domiciliary care
3 under subsection (a)(1)(A) of section 1741 of such
4 title, as the Secretary may increase from time to
5 time under subsection (c) of that section.

6 (2) USE OF PER DIEM PAYMENTS.—During a
7 covered public health emergency, a recipient of a
8 grant or an eligible entity under the grant and per
9 diem program of the Department (in this subsection
10 referred to as the “program”) may use per diem
11 payments under sections 2012 and 2061 of title 38,
12 United States Code, to provide food and basic sup-
13 plies for—

14 (A) homeless veterans in the program; and

15 (B) formerly homeless veterans in the com-
16 munity who experienced homelessness during
17 the one-year period ending on the date of the
18 enactment of this Act.

19 (3) ADDITIONAL TRANSITIONAL HOUSING.—

20 (A) IN GENERAL.—During a covered pub-
21 lic health emergency, the Secretary may provide
22 amounts for grants and per diem payments
23 under the program for additional transitional
24 housing beds to facilitate access to housing and
25 services provided to homeless veterans.

1 (B) NOTICE; COMPETITION; PERIOD OF
2 PERFORMANCE.—The Secretary may provide
3 amounts under subparagraph (A)—

4 (i) without notice or competition; and
5 (ii) for a period of performance deter-
6 mined by the Secretary.

7 (4) INSPECTIONS AND LIFE SAFETY CODE RE-
8 QUIREMENTS.—

9 (A) IN GENERAL.—During a covered pub-
10 lic health emergency, the Secretary may waive
11 any requirement under subsection (b) or (c) of
12 section 2012 of title 38, United States Code, in
13 order to allow the recipient of a grant or an eli-
14 gible entity under the program—

15 (i) to quickly identify temporary alter-
16 nate sites of care for homeless veterans
17 that are suitable for habitation;

18 (ii) to facilitate social distancing or
19 isolation needs; or

20 (iii) to facilitate activation or continu-
21 ation of a program for which a grant has
22 been awarded.

23 (B) LIMITATION.—The Secretary may
24 waive a requirement pursuant to the authority
25 provided by subparagraph (A) with respect to a

1 facility of a recipient of a grant or an eligible
2 entity under the program only if the facility
3 meets applicable local safety requirements, in-
4 cluding fire safety requirements.

5 (c) HEALTH CARE FOR HOMELESS VETERANS.—

6 (1) COMMUNITY-BASED TREATMENT FACILI-
7 TIES.—During a covered public health emergency,
8 the Secretary may use amounts as authorized under
9 subsection (a)(1) notwithstanding any requirement
10 under subsection (a)(2) of section 2031 of title 38,
11 United States Code, that community-based treat-
12 ment facilities provide care, treatment, and rehabili-
13 tative services to veterans described in such section.

14 (2) REPORT TO CONGRESS ON REDUCTION OF
15 CARE, TREATMENT, AND REHABILITATIVE SERV-
16 ICES.—During a covered public health emergency, if
17 the Secretary reduces the care, treatment, and reha-
18 bilitative services provided to homeless veterans
19 under section 2031(a)(2) of title 38, United States
20 Code, the Secretary shall submit to Congress month-
21 ly reports on the reduction of such care, treatment,
22 and services for the duration of the covered public
23 health emergency.

24 (3) INSPECTION AND LIFE SAFETY CODE RE-
25 QUIREMENTS.—

1 (A) IN GENERAL.—During a covered pub-
2 lic health emergency, the Secretary may waive
3 any inspection or life safety code requirement
4 under subsection (c) of section 2032 of title 38,
5 United States Code—

6 (i) to allow quick identification of
7 temporary alternate sites of care for home-
8 less veterans that are suitable for habi-
9 tation;

10 (ii) to facilitate social distancing or
11 isolation needs; or

12 (iii) to facilitate the operation of hous-
13 ing under such section.

14 (B) LIMITATION.—The Secretary may
15 waive a requirement pursuant to the authority
16 provided by subparagraph (A) with respect to a
17 residence or facility referred to in such section
18 2032 only if the residence or facility, as the
19 case may be, meets applicable local safety re-
20 quirements, including fire safety requirements.

21 (d) ACCESS OF HOMELESS VETERANS TO DEPART-
22 MENT OF VETERANS AFFAIRS TELEHEALTH SERVICES.—
23 During a covered public health emergency, the Secretary
24 may make available telehealth capabilities to homeless vet-
25 erans who—

1 (1) are receiving services provided under chap-
2 ter 20 of title 38, United States Code; or

3 (2) are participating in a program under such
4 chapter.

5 (e) DEFINITIONS.—In this section:

6 (1) COVERED PUBLIC HEALTH EMERGENCY.—
7 The term “covered public health emergency” means
8 an emergency with respect to COVID–19 declared
9 by a Federal, State, or local authority.

10 (2) HOMELESS VETERAN; VETERAN.—The
11 terms “homeless veteran” and “veteran” have the
12 meanings given those terms in section 2002 of title
13 38, United States Code.

14 (3) PARKING FACILITY.—The term “parking fa-
15 cility” has the meaning given that term in section
16 8109(a) of such title.

17 (4) TELEHEALTH.—

18 (A) IN GENERAL.—The term “telehealth”
19 means the use of electronic information and
20 telecommunications technologies to support and
21 promote long-distance clinical health care, pa-
22 tient and professional health-related education,
23 public health, and health administration.

24 (B) TECHNOLOGIES.—For purposes of
25 subparagraph (A), “telecommunications tech-

1 nologies” include video conferencing, the inter-
2 net, streaming media, and terrestrial and wire-
3 less communications.

4 **SEC. 80007. HUD-VASH PROGRAM.**

5 The Secretary of Housing and Urban Development
6 shall take such actions with respect to the supported hous-
7 ing program carried out under section 8(o)(19) of the
8 United States Housing Act of 1937 (42 U.S.C.
9 1437f(o)(19)) in conjunction with the Department of Vet-
10 erans Affairs (commonly referred to as “HUD-VASH”),
11 and shall require public housing agencies administering
12 assistance under such program to take such actions, as
13 may be appropriate to facilitate the issuance and utiliza-
14 tion of vouchers for rental assistance under such program
15 during the period of the covered public health emergency
16 (as such term is defined in section 1 of this Act), including
17 the following actions:

18 (1) Establishing mechanisms and procedures
19 providing for referral and application documents
20 used under such program to be received by fax, elec-
21 tronic mail, drop box, or other means not requiring
22 in-person contact.

23 (2) Establishing mechanisms and procedures
24 for processing applications for participation in such
25 program that do not require identification or

1 verification of identity by social security number or
2 photo ID in cases in which closure of governmental
3 offices prevents confirmation or verification of iden-
4 tity by such means.

5 (3) Providing for waiver of requirements to con-
6 duct housing quality standard inspections with re-
7 spect to dwelling units for which rental assistance is
8 provided under such program.

9 **SEC. 80008. EXTENSION OF LEASE PROTECTIONS FOR**
10 **SERVICEMEMBERS UNDER STOP MOVEMENT**
11 **ORDERS IN RESPONSE TO LOCAL, NATIONAL,**
12 **OR GLOBAL EMERGENCY.**

13 (a) **TERMINATION.**—Subsection (a)(1) of section 305
14 of the Servicemembers Civil Relief Act (50 U.S.C. 3955)
15 is amended—

16 (1) in subparagraph (A), by striking “; or” and
17 inserting a semicolon;

18 (2) in subparagraph (B), by striking the period
19 at the end and inserting “; or”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(C) the date of the lessee’s stop move-
23 ment order described in paragraph (1)(C) or
24 (2)(C) of subsection (b), as the case may be.”.

25 (b) **COVERED LEASES.**—

1 (1) LEASES OF PREMISES.—Paragraph (1) of
2 subsection (b) of such section is amended—

3 (A) in subparagraph (A), by striking “;
4 or” and inserting a semicolon;

5 (B) in subparagraph (B), by striking the
6 period at the end and inserting “; or”; and

7 (C) by adding at the end the following new
8 subparagraph:

9 “(C) the servicemember, while in military
10 service—

11 “(i) executes a lease upon receipt of
12 military orders for a permanent change of
13 station or to deploy with a military unit, or
14 as an individual in support of a military
15 operation, for a period of not less than 90
16 days; and

17 “(ii) thereafter receives a stop move-
18 ment order issued by the Secretary of De-
19 fense in response to a local, national, or
20 global emergency, effective for an indefi-
21 nite period or for a period of not less than
22 30 days, which prevents the servicemember
23 or servicemember’s dependents from occu-
24 pying the lease for a residential, profes-

1 sional, business, agricultural, or similar
2 purpose.”.

3 (2) LEASES OF MOTOR VEHICLES.—Paragraph
4 (2) of such subsection is amended—

5 (A) in subparagraph (A), by striking “;
6 or” and inserting a semicolon;

7 (B) in subparagraph (B)(ii), by striking
8 the period at the end and inserting “; or”; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(C) the servicemember, while in military
12 service—

13 “(i) executes a lease upon receipt of
14 military orders described in subparagraph
15 (B); and

16 “(ii) thereafter receives a stop move-
17 ment order issued by the Secretary of De-
18 fense in response to a local, national, or
19 global emergency, effective for an indefi-
20 nite period or for a period of not less than
21 30 days, which prevents the servicemem-
22 ber, or the servicemember’s dependents,
23 from using the vehicle for personal or busi-
24 ness transportation.”.

1 (c) EFFECTIVE DATE OF TERMINATION.—Paragraph
2 (1) of subsection (d) of such section is amended to read
3 as follows:

4 “(1) LEASE OF PREMISES.—

5 “(A) ENTRANCE TO MILITARY SERVICE,
6 PERMANENT CHANGE OF STATION, OR DEPLOY-
7 MENT.—In the case of a lease described in sub-
8 paragraph (A) or (B) of subsection (b)(1) that
9 provides for monthly payment of rent, termi-
10 nation of the lease under subsection (a) is effec-
11 tive 30 days after the first date on which the
12 next rental payment is due and payable after
13 the date on which the notice under subsection
14 (c) is delivered. In the case of any other lease
15 described in subparagraphs (A) and (B) of sub-
16 section (b)(1) termination of the lease under
17 subsection (a) is effective on the last day of the
18 month following the month in which the notice
19 is delivered.

20 “(B) STOP MOVEMENT ORDERS.—In the
21 case of a lease described in subsection
22 (b)(1)(C), termination of the lease under sub-
23 section (a) is effective on the date on which the
24 requirements of subsection (c) are met for such
25 termination.”.

1 (d) TECHNICAL CORRECTION.—Subsection (i) is
2 amended, in the matter before paragraph (1), by inserting
3 “In this section:” after “DEFINITIONS.—”.

4 (e) RETROACTIVE APPLICATION.—The amendments
5 made by this section shall apply to stop movement orders
6 issued on or after March 1, 2020.

7 **SEC. 80009. TERMINATION OF TELEPHONE, MULTICHANNEL**
8 **VIDEO PROGRAMMING, AND INTERNET AC-**
9 **CESS SERVICE CONTRACTS BY**
10 **SERVICEMEMBERS WHO ENTER INTO CON-**
11 **TRACTS AFTER RECEIVING MILITARY OR-**
12 **DERS FOR PERMANENT CHANGE OF STATION**
13 **BUT THEN RECEIVE STOP MOVEMENT OR-**
14 **DERS DUE TO AN EMERGENCY SITUATION.**

15 (a) IN GENERAL.—Section 305A(a)(1) of the
16 Servicemembers Civil Relief Act (50 U.S.C. 3956) is
17 amended—

18 (1) by striking “after the date the servicemem-
19 ber receives military orders to relocate for a period
20 of not less than 90 days to a location that does not
21 support the contract.” and inserting “after—”; and

22 (2) by adding at the end the following new sub-
23 paragraphs:

24 “(A) the date the servicemember receives
25 military orders to relocate for a period of not

1 less than 90 days to a location that does not
2 support the contract; or

3 “(B) the date the servicemember, while in
4 military service, receives military orders for a
5 permanent change of station, thereafter enters
6 into the contract, and then after entering into
7 the contract receives a stop movement order
8 issued by the Secretary of Defense in response
9 to a local, national, or global emergency, effec-
10 tive for an indefinite period or for a period of
11 not less than 30 days, which prevents the serv-
12 icemember from using the services provided
13 under the contract.”.

14 (b) **RETROACTIVE APPLICATION.**—The amendments
15 made by this section shall apply to stop movement orders
16 issued on or after March 1, 2020.

17 **SEC. 80010. TERMINATION OF CONTRACTS FOR TELE-**
18 **PHONE, MULTICHANNEL VIDEO PROGRAM-**
19 **MING, OR INTERNET ACCESS SERVICE BY**
20 **CERTAIN INDIVIDUALS UNDER**
21 **SERVICEMEMBERS CIVIL RELIEF ACT.**

22 Section 305A(a) of the Servicemembers Civil Relief
23 Act (50 U.S.C. 3956(a)) is amended by adding at the end
24 the following new paragraph:

1 “(4) ADDITIONAL INDIVIDUALS COVERED.—For
2 purposes of this section, the following individuals
3 shall be treated as a servicemember covered by para-
4 graph (1):

5 “(A) A spouse or dependent of a service-
6 member who dies while in military service or a
7 spouse or dependent of a member of the reserve
8 components who dies while performing duty de-
9 scribed in subparagraph (C).

10 “(B) A spouse or dependent of a service-
11 member who incurs a catastrophic injury or ill-
12 ness (as that term is defined in section 439(g)
13 of title 37, United States Code), if the service-
14 member incurs the catastrophic injury or illness
15 while in military service or performing duty de-
16 scribed in subparagraph (C).

17 “(C) A member of the reserve components
18 performing military service or performing full-
19 time National Guard duty, active Guard and
20 Reserve duty, or inactive-duty training (as such
21 terms are defined in section 101(d) of title 10,
22 United States Code).”.

1 **SEC. 80011. CLARIFICATION OF TERMINATION OF LEASES**
2 **OF PREMISES AND MOTOR VEHICLES OF**
3 **SERVICEMEMBERS WHO INCUR CATA-**
4 **STROPHIC INJURY OR ILLNESS OR DIE**
5 **WHILE IN MILITARY SERVICE.**

6 (a) CATASTROPHIC INJURIES AND ILLNESSES.—
7 Paragraph (4) of section 305(a) of the Servicemembers
8 Civil Relief Act (50 U.S.C. 3955(a)), as added by section
9 545 of the National Defense Authorization Act for Fiscal
10 Year 2020 (Public Law 116–92), is amended to read as
11 follows:

12 “(4) CATASTROPHIC INJURY OR ILLNESS OF
13 LESSEE.—

14 “(A) TERMINATION.—If the lessee on a
15 lease described in subsection (b) incurs a cata-
16 strophic injury or illness during a period of
17 military service or while performing covered
18 service, during the one-year period beginning on
19 the date on which the lessee incurs such injury
20 or illness—

21 “(i) the lessee may terminate the
22 lease; or

23 “(ii) in the case of a lessee who lacks
24 the mental capacity to contract or to man-
25 age his or her own affairs (including dis-
26 bursement of funds without limitation) due

1 to such injury or illness, the spouse or de-
2 pendent of the lessee may terminate the
3 lease.

4 “(B) DEFINITIONS.—In this paragraph:

5 “(i) The term ‘catastrophic injury or
6 illness’ has the meaning given that term in
7 section 439(g) of title 37, United States
8 Code.

9 “(ii) The term ‘covered service’ means
10 full-time National Guard duty, active
11 Guard and Reserve duty, or inactive-duty
12 training (as such terms are defined in sec-
13 tion 101(d) of title 10, United States
14 Code).”.

15 (b) DEATHS.—Paragraph (3) of such section is
16 amended by striking “The spouse of the lessee” and in-
17 serting “The spouse or dependent of the lessee”.

18 **SEC. 80012. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
19 **BENEFITS UNDER LAWS ADMINISTERED BY**
20 **THE SECRETARY OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—During the covered period, the
22 Secretary of Veterans Affairs may not—

23 (1) take any action to collect a covered debt (in-
24 cluding the offset of any payment by the Secretary);

25 (2) record a covered debt;

1 (3) issue notice of a covered debt to a person
2 or a consumer reporting agency;

3 (4) allow any interest to accrue on a covered
4 debt; or

5 (5) apply any administrative fee to a covered
6 debt.

7 (b) EXCEPTION.—Notwithstanding subsection (a),
8 the Secretary may collect a payment regarding a covered
9 debt (including interest or any administrative fee) from
10 a person (or the fiduciary of that person) who elects to
11 make such a payment during the covered period.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “consumer reporting agency” has
14 the meaning given that term in section 5701 of title
15 38, United States Code.

16 (2) The term “covered debt” means a debt—

17 (A) owed by a person (including a fidu-
18 ciary) to the United States;

19 (B) arising from a benefit under a covered
20 law; and

21 (C) that is not subject to recovery under—

22 (i) section 3729 of title 31, United
23 States Code;

24 (ii) section 1729 of title 38, United
25 States Code; or

1 (iii) Public Law 87–693 (42 U.S.C.
2 2651).

3 (3) The term “covered law” means any law ad-
4 ministered by the Secretary of Veterans Affairs
5 through—

6 (A) the Under Secretary for Health; or

7 (B) the Under Secretary for Benefits.

8 (4) The term “covered period” means—

9 (A) the COVID–19 emergency period; and

10 (B) the 60 days immediately following the
11 date of the end of the COVID–19 emergency
12 period.

13 (5) The term “COVID–19 emergency period”
14 means the emergency period described in section
15 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
16 1320b-5(g)(1)(B)).

17 **SEC. 80013. TOLLING OF DEADLINES RELATING TO CLAIMS**
18 **FOR BENEFITS ADMINISTERED BY SEC-**
19 **RETARY OF VETERANS AFFAIRS.**

20 (a) **REQUIRED TOLLING.**—With respect to claims
21 and appeals made by a claimant, the covered period shall
22 be excluded in computing the following:

23 (1) In cases where an individual expresses an
24 intent to file a claim, the period in which the indi-
25 vidual is required to file the claim in order to have

1 the effective date of the claim be determined based
2 on the date of such intent, as described in section
3 3.155(b)(1) of title 38, Code of Federal Regulations.

4 (2) The period in which the claimant is re-
5 quired to take an action pursuant to section 5104C
6 of title 38, United States Code.

7 (3) The period in which the claimant is re-
8 quired to appeal a change in service-connected or
9 employability status or change in physical condition
10 described in section 5112(b)(6) of such title.

11 (4) The period in which an individual is re-
12 quired to file a notice of appeal under section 7266
13 of such title.

14 (5) Any other period in which a claimant or
15 beneficiary is required to act with respect to filing,
16 perfecting, or appealing a claim, as determined ap-
17 propriate by the Secretary of Veterans Affairs.

18 (b) USE OF POSTMARK DATES.—With respect to
19 claims filed using nonelectronic means and appeals made
20 during the covered period, the Secretary of Veterans Af-
21 fairs and the Court of Appeals for Veterans Claims, as
22 the case may be, shall administer the provisions of title
23 38, United States Code, as follows:

24 (1) In section 5110—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by substituting
2 “the earlier of the date of receipt of appli-
3 cation therefor and the date of the post-
4 mark or other official proof of mailing date
5 of the application therefor” for “the date
6 of receipt of application therefor”; and

7 (ii) in paragraph (3), by substituting
8 “the earlier of the date of receipt of the
9 supplemental claim and the date of the
10 postmark or other official proof of mailing
11 date of the supplemental claim” for “the
12 date of receipt of the supplemental claim”;
13 and

14 (B) in subsection (b)(2)(A), by sub-
15 stituting “the earlier of the date of receipt of
16 application and the date of the postmark or
17 other official proof of mailing date of the appli-
18 cation” for “the date of receipt of the applica-
19 tion”.

20 (2) In section 7266, without regard to sub-
21 section (d).

22 (c) DEFINITIONS.—In this section:

23 (1) The term “claimant” has the meaning given
24 that term in section 5100 of title 38, United States
25 Code.

1 (2) The term “covered period” means the pe-
2 riod beginning on the date of the emergency period
3 (as defined in section 1135(g)(1) of the Social Secu-
4 rity Act (42 U.S.C. 1320b-5(g)(1))) resulting from
5 the COVID–19 pandemic and ending 90 days after
6 the last day of such emergency period.

7 **SEC. 80014. PROVISION OF DEPARTMENT OF VETERANS AF-**
8 **FAIRS HOSPITAL CARE AND MEDICAL SERV-**
9 **ICES TO CERTAIN VETERANS WHO ARE UN-**
10 **EMPLOYED OR LOST EMPLOYER-SPONSORED**
11 **HEALTH CARE COVERAGE BY REASON OF A**
12 **COVERED PUBLIC HEALTH EMERGENCY.**

13 (a) IN GENERAL.—During the 12-month period be-
14 ginning on the date of the enactment of this Act, the Sec-
15 retary of Veterans Affairs shall consider a covered veteran
16 to be unable to defray the expenses of necessary care for
17 purposes of section 1722 of title 38, United States Code,
18 and shall furnish to such veteran hospital care and med-
19 ical services under chapter 17 of title 38, United States
20 Code.

21 (b) COVERED VETERAN.—For purposes of this sec-
22 tion, a covered veteran is a veteran—

23 (1) who—

24 (A) is unemployed; or

1 (B) has lost access to a group health plan
2 or group health insurance coverage by reason of
3 a covered public health emergency; and

4 (2) whose projected attributable income for the
5 12-month period beginning on the date of applica-
6 tion for hospital care or medical services under this
7 section is not more than the amount in effect under
8 section 1722(b) of title 38, United States Code.

9 (c) DEFINITIONS.—In this section:

10 (1) The term “covered public health emer-
11 gency” means the declaration—

12 (A) of a public health emergency, based on
13 an outbreak of COVID–19 by the Secretary of
14 Health and Human Services under section 319
15 of the Public Health Service Act (42 U.S.C.
16 247d); or

17 (B) of a domestic emergency, based on an
18 outbreak of COVID–19 by the President, the
19 Secretary of Homeland Security, or State, or
20 local authority.

21 (2) The terms “group health plan” and “group
22 health insurance coverage” have the meaning given
23 such terms in section 2701 of the Public Health
24 Service Act (42 U.S.C. 300gg-3).

1 **SEC. 80015. PROHIBITION ON COPAYMENTS AND COST**
2 **SHARING FOR VETERANS RECEIVING COVID-**
3 **19 TREATMENT FURNISHED BY DEPARTMENT**
4 **OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 6006(b) of the Families
6 First Coronavirus Response Act (Public Law 116–127; 38
7 U.S.C. 1701 note) is amended by striking “or visits de-
8 scribed in paragraph (2) of such section” and inserting
9 “, visits described in paragraph (2) of such section, or hos-
10 pital care or medical services to treat COVID–19”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the Families First Coronavirus Response Act
14 (Public Law 116–127).

15 **SEC. 80016. EXPANSION OF VET CENTER SERVICES TO VET-**
16 **ERANS AND MEMBERS OF THE ARMED**
17 **FORCES WHO PERFORM CERTAIN SERVICE IN**
18 **RESPONSE TO COVERED PUBLIC HEALTH**
19 **EMERGENCY.**

20 Section 1712A of title 38, United States Code, is
21 amended—

22 (1) by striking “clauses (i) through (iv)” both
23 places it appears and inserting “clauses (i) through
24 (v)”;

25 (2) by striking “in clause (v)” both places it ap-
26 pears and inserting “in clause (vi)”;

1 (3) in subsection (a)(1)(C)—

2 (A) by redesignating clauses (iv) and (v) as
3 clauses (v) and (vi), respectively; and

4 (B) by inserting after clause (iii) the fol-
5 lowing new clause (iv):

6 “(iv) Any individual who is a veteran or mem-
7 ber of the Armed Forces (including the reserve com-
8 ponents), who, in response to a covered public health
9 emergency, performed active service or State active
10 duty for a period of at least 14 days.”; and

11 (4) in subsection (h), by adding at the end the
12 following new paragraphs:

13 “(4) The term ‘active service’ has the meaning
14 given that term in section 101 of title 10.

15 “(5) The term ‘covered public health emer-
16 gency’ means the declaration—

17 “(A) of a public health emergency, based
18 on an outbreak of COVID–19, by the Secretary
19 of Health and Human Services under section
20 319 of the Public Health Service Act (42
21 U.S.C. 247d); or

22 “(B) of a domestic emergency, based on an
23 outbreak of COVID–19, by the President, the
24 Secretary of Homeland Security, or a State or
25 local authority.”.

1 **DIVISION I—SMALL BUSINESS**
2 **PROVISIONS**

3 **SEC. 90001. AMENDMENTS TO THE PAYCHECK PROTECTION**
4 **PROGRAM.**

5 (a) EXTENSION OF COVERED PERIOD.—Section
6 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C.
7 636(a)(36)(A)(iii)) is amended by striking “June 30,
8 2020” and inserting “December 31, 2020”.

9 (b) TRIBAL BUSINESS CONCERNS.—Section
10 7(a)(36)(D) of the Small Business Act (15 U.S.C.
11 636(a)(36)(D)) is amended by striking “described in sec-
12 tion 31(b)(2)(C)” each place it appears.

13 (c) INCLUSION OF CRITICAL ACCESS HOSPITALS IN
14 THE PAYCHECK PROTECTION PROGRAM.—Section
15 7(a)(36)(D) of the Small Business Act (15 U.S.C.
16 636(a)(36)(D)) is amended by adding at the end the fol-
17 lowing new clause:

18 “(vii) INCLUSION OF CRITICAL ACCESS
19 HOSPITALS.—During the covered period,
20 any nonprofit organization that is a critical
21 access hospital (as defined in section
22 1861(mm) of the Social Security Act (42
23 U.S.C. 1395x(mm))) shall be eligible to re-
24 ceive a covered loan, regardless of the sta-
25 tus of such a hospital as a debtor in a case

1 under chapter 11 of title 11, United States
2 Code, or the status of any debts owed by
3 such a hospital to the Federal Govern-
4 ment.”.

5 (d) NONPROFIT ORGANIZATIONS.—Section 7(a)(36)
6 of the Small Business Act (15 U.S.C. 636(a)(36))—

7 (1) in subparagraph (A)(vii), by striking “sec-
8 tion 501(c)(3)” and inserting “section 501(c)”; and

9 (2) in subparagraph (D)—

10 (A) by striking “nonprofit organization,”
11 each place it appears;

12 (B) in clause (iv)—

13 (i) in subclause (II), by striking “
14 and” at the end;

15 (ii) in subclause (III), by striking the
16 period at the end and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing new subclause:

20 “(IV) any nonprofit organiza-
21 tion.”; and

22 (C) in clause (vi), by striking “a nonprofit
23 organization and”.

1 (e) APPLICATION TO CERTAIN LOCAL NEWS
2 MEDIA.—Section 7(a)(36)(D) of the Small Business Act
3 (15 U.S.C. 636(a)(36)(D)) is amended—

4 (1) in clause (iii)—

5 (A) by striking “business concern that em-
6 ploys” and inserting the following: “business
7 concern that—

8 “(I) employs”;

9 (B) in subclause (I), by striking the period
10 at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(II) is assigned a North American Indus-
13 try Classification System code beginning with
14 511110, 515112, or 515120 and the individual
15 physical location at the time of disbursement does
16 not exceed the size standard established by the
17 Administrator for the applicable code shall be
18 eligible to receive a covered loan for expenses
19 associated with an individual physical location
20 of that business concern to support the contin-
21 ued provision of local news, information, con-
22 tent, or emergency information, and, at the
23 time of disbursement, the individual physical loca-
24 tion.”;

1 (2) in clause (iv) (as amended by subsection
2 (d))—

3 (A) in subclause (III), by striking “and” at
4 the end;

5 (B) in subclause (IV), by striking the pe-
6 riod at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(V) an individual physical loca-
9 tion of a business concern described in
10 clause (iii)(II), if such concern shall
11 not pay, distribute, or otherwise pro-
12 vide any portion of the covered loan to
13 any other entity other than the indi-
14 vidual physical location that is the in-
15 tended recipient of the covered loan.”;
16 and

17 (3) by adding at the end the following new
18 clause:

19 “(vii) ADDITIONAL REQUIREMENTS
20 FOR NEWS BROADCAST ENTITIES.—

21 “(I) IN GENERAL.—With respect
22 to an individual physical location of a
23 business concern described in clause
24 (iii)(II), each such location shall be
25 treated as an independent, non-

1 affiliated entity for purposes of this
2 paragraph.

3 “(II) DEMONSTRATION OF
4 NEED.—Any such location that is a
5 franchise or affiliate of, or owned or
6 controlled by a parent company, in-
7 vestment company, or the manage-
8 ment thereof, shall demonstrate, upon
9 request of the Administrator, the need
10 for a covered loan to support the con-
11 tinued provision of local news, infor-
12 mation, content, or emergency infor-
13 mation, and, at the time of disbursal,
14 the individual physical location.

15 “(III) REPORT.—The Adminis-
16 trator and Secretary of the Treasury
17 shall submit to the Committee on
18 Small Business of the House of Rep-
19 resentatives, the Committee on Small
20 Business and Entrepreneurship of the
21 Senate, and the Congressional Over-
22 sight Commission established under
23 section 4020 of the CARES Act a re-
24 port including information on loans

1 made to an entity described under
2 this clause.”.

3 (f) APPLICATION OF CERTAIN TERMS THROUGH
4 LIFE OF COVERED LOAN.—Section 7(a)(36) of the Small
5 Business Act (15 U.S.C. 636(a)(36)) is amended—

6 (1) in subparagraph (H), by striking “During
7 the covered period, with” and inserting “With”;

8 (2) in subparagraph (I), by striking “During
9 the covered period, the” and inserting “The”;

10 (3) in subparagraph (J), by striking “During
11 the covered period, with” and inserting “With”;

12 (4) in subparagraph (M)—

13 (A) in clause (ii), by striking “During the
14 covered period, the” and inserting “The”; and

15 (B) in clause (iii), by striking “During the
16 covered period, with” and inserting “With”.

17 (g) LOAN MATURITY.—Section 7(a)(36)(K)(ii) of the
18 Small Business Act (15 U.S.C. 636(a)(36)(K)(ii)) is
19 amended by inserting “minimum maturity of 5 years” be-
20 fore “maximum maturity”.

21 (h) INTEREST CALCULATION.—Section 7(a)(36)(L)
22 of the Small Business Act (15 U.S.C. 636(a)(36)(L)) is
23 amended by inserting “, calculated on a non-compounding,
24 non-adjustable basis” after “4 percent”.

1 (i) FUNDING FOR THE PAYCHECK PROTECTION PRO-
2 GRAM.—

3 (1) IN GENERAL.—Section 7(a)(36)(S) of the
4 Small Business Act (15 U.S.C. 636(a)(36)(S)) is
5 amended to read as follows:

6 “(S) SET ASIDE FOR CERTAIN ENTITIES.—

7 The Administrator shall provide for the cost to
8 guarantee covered loans made under this para-
9 graph—

10 “(i) a set aside of not less than 25
11 percent of each such amount for covered
12 loans made to eligible recipients with 10 or
13 fewer employees; and

14 “(ii) a set aside of 25 percent of each
15 such amount for covered loans made to
16 nonprofit organizations, of which not more
17 than 12.5 percent of each such amount set
18 aside may be used to make covered loans
19 to nonprofit organizations with 500 or
20 more employees.”.

21 (2) SET ASIDE FOR COMMUNITY FINANCIAL IN-
22 STITUTIONS.—Of amounts appropriated by the Pay-
23 check Protection Program and Health Care En-
24 hancement Act (Public Law 116–139) under the
25 heading “Small Business Administration—Business

1 Loans Program Account, CARES Act” that have
2 not been obligated or expended, the lesser of 25 per-
3 cent of such amounts or \$10,000,000,000 shall be
4 set aside for the cost to guarantee covered loans
5 made under section 7(a)(36) of the Small Business
6 Act (15 U.S.C. 636(a)(36)) by community financial
7 institutions (as such term is defined in subpara-
8 graph (A)(xi) of such section).

9 (3) AMOUNTS RETURNED.—Section 7(a)(36) of
10 the Small Business Act (15 U.S.C. 636(a)(36)) is
11 amended by adding at the end the following new
12 subparagraph:

13 “(T) AMOUNTS RETURNED.—Any amounts
14 returned to the Secretary of the Treasury due
15 to the cancellation of a covered loan shall be
16 solely used for the cost to guarantee covered
17 loans made to eligible recipients with 10 or
18 fewer employees.”.

19 (j) TREATMENT OF CERTAIN CRIMINAL VIOLA-
20 TIONS.—

21 (1) IN GENERAL.—Section 7(a)(36) of the
22 Small Business Act (15 U.S.C. 636(a)(36)), as
23 amended by subsection (h), is further amended by
24 adding at the end the following new subparagraph:

1 “(U) TREATMENT OF CERTAIN CRIMINAL
2 VIOLATIONS.—

3 “(i) FINANCIAL FRAUD OR DECEP-
4 TION.—A entity that is a business, organi-
5 zation, cooperative, or enterprise may not
6 receive a covered loan if an owner of 20
7 percent or more of the equity of such enti-
8 ty, during the 5-year period preceding the
9 date on which such entity applies for a cov-
10 ered loan, has been convicted of a felony of
11 financial fraud or deception under Federal,
12 State, or Tribal law.

13 “(ii) ARRESTS OR CONVICTIONS.—An
14 entity that is a business, organization, co-
15 operative, or enterprise shall be an eligible
16 recipient notwithstanding a prior arrest or
17 conviction under Federal, State, or Tribal
18 law of an owner of 20 percent or more of
19 the equity of such entity, unless such
20 owner is currently incarcerated.

21 “(iii) WAIVER.—The Administrator
22 may waive the requirements of clause (i).”.

23 (2) RULEMAKING.—Not later than 15 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Small Business Administration shall

1 make necessary revisions to any rules to carry out
2 the amendment made by this subsection.

3 (k) TECHNICAL ASSISTANCE FOR COMMUNITY FI-
4 NANCIAL INSTITUTIONS.—Section 7(a)(36) of the Small
5 Business Act (15 U.S.C. 636(a)(36)), as amended by sub-
6 section (i), is further amended by adding at the end the
7 following new subparagraph:

8 “(V) TECHNICAL ASSISTANCE FOR COMMU-
9 NITY FINANCIAL INSTITUTIONS.—Of amounts
10 appropriated to carry out this paragraph, the
11 Secretary of the Treasury, in consultation with
12 the Administrator, shall use \$1,000,000,000 of
13 such amounts to provide grants to community
14 financial institutions, insured depository institu-
15 tions with consolidated assets of less than
16 \$10,000,000,000, and credit unions with con-
17 solidated assets of less than \$10,000,000,000,
18 to ensure such institutions can update their sys-
19 tems (including updates related to compliance
20 with the Bank Secrecy Act) and efficiently pro-
21 vide loans that are guaranteed under this para-
22 graph.”.

23 (l) TECHNICAL AMENDMENT.—Section 7(a)(36)(G)
24 of the Small Business Act (15 U.S.C. 636(a)(36)) is
25 amended—

1 (1) in the subparagraph heading, by striking
2 “BORROWER REQUIREMENTS” and all that follows
3 through “eligible recipient applying” and inserting
4 “BORROWER CERTIFICATION REQUIREMENTS.—An
5 eligible recipient applying”; and

6 (2) by redesignating subclauses (I) through
7 (IV) as clauses (i) through (iv), respectively.

8 **SEC. 90002. COMMITMENTS FOR PAYCHECK PROTECTION**
9 **PROGRAM.**

10 Section 1102(b) of the CARES Act (Public Law 116–
11 136) is amended by striking “June 30, 2020” and all that
12 follows through the period at the end and inserting “De-
13 cember 31, 2020, the amount authorized for commitments
14 for loans made under paragraph (36) of section 7(a) of
15 the Small Business Act, as added by subsection (a), shall
16 be \$659,000,000,000. The amount authorized under this
17 section for commitments for loans made under section
18 7(a)(36) of the Small Business Act shall be in addition
19 to the amount authorized under the heading ‘Small Busi-
20 ness Administration—Business Loans Program Account’
21 in the Financial Services and General Government Appro-
22 priations Act, 2020 (division C of Public Law 116–93)
23 for commitments for general business loans made under
24 section 7(a) of the Small Business Act.”.

1 **SEC. 90003. INCLUSION OF SCORE AND VETERAN BUSINESS**
2 **OUTREACH CENTERS IN ENTREPRENEURIAL**
3 **DEVELOPMENT PROGRAMS.**

4 (a) IN GENERAL.—Section 1103(a)(2) of the CARES
5 Act (Public Law 116–136) is amended—

6 (1) in subparagraph (A), by striking “and” at
7 the end;

8 (2) by adding at the end the following new sub-
9 paragraphs:

10 “(C) a Veteran Business Outreach Center
11 (as described under section 32(d) of the Small
12 Business Act); and

13 “(D) the Service Corps of Retired Execu-
14 tives Association, or any successor or other or-
15 ganization, that receives a grant from the Ad-
16 ministrator to operate the SCORE program es-
17 tablished under section 8(b)(2)(A) of the Small
18 Business Act;”.

19 (b) FUNDING.—Section 1107(a)(4) of the CARES
20 Act (Public Law 116–136) is amended—

21 (1) in subparagraph (A)—

22 (A) by striking “\$240,000,000” and in-
23 serting “\$220,000,000”;

24 (B) by striking “and” at the end; and

25 (2) by adding at the end the following new sub-
26 paragraphs:

1 “(C) \$10,000,000 shall be for a Veteran
2 Business Outreach Center described in section
3 1103(a)(2)(C) of this Act to carry out activities
4 under such section; and

5 “(D) \$10,000,000 shall be for the Service
6 Corps of Retired Executives Association de-
7 scribed in section 1103(a)(2)(D) of this Act to
8 carry out activities under such section;”.

9 **SEC. 90004. AMENDMENTS TO PAYCHECK PROTECTION**
10 **PROGRAM LOAN FORGIVENESS.**

11 (a) COVERED PERIOD.—

12 (1) IN GENERAL.—Section 1106(a)(3) of the
13 CARES Act (Public Law 116–136) is amended to
14 read as follows:

15 “(3) the term ‘covered period’ means the period
16 beginning on the date of the origination of a covered
17 loan and ending on the earlier of—

18 “(A) the date that is 24 weeks after such
19 date of origination; or

20 “(B) December 31, 2020;”.

21 (2) EXEMPTION FOR REHIRES.—Section
22 1106(d)(5)(B) of such Act is amended by striking
23 “June 30, 2020” each place it appears and inserting
24 “December 31, 2020”.

1 (b) DEFINITION OF EXPECTED FORGIVENESS
2 AMOUNT.—

3 (1) DEFINITION OF EXPECTED FORGIVENESS
4 AMOUNT.—Section 1106(a)(7) of the CARES Act
5 (Public Law 116–136) is amended—

6 (A) in subparagraph (C), by striking
7 “and” at the end;

8 (B) in subparagraph (D), by striking
9 “and” at the end; and

10 (C) by adding at the end the following new
11 subparagraphs:

12 “(E) interest on any other debt obligations
13 that were incurred before the covered period;
14 and

15 “(F) any amount that was a loan made
16 under subsection (b)(2) that was refinanced as
17 part of a covered loan and authorized by section
18 7(a)(36)(F)(iv) of the Small Business Act;
19 and”.

20 (2) FORGIVENESS.—Section 1106(b) of the
21 CARES Act (Public Law 116–136) is amended by
22 adding at the end the following new paragraphs:

23 “(5) Any payment of interest on any other debt
24 obligations that were incurred before the covered pe-
25 riod.

1 “(6) Any amount that was a loan made under
2 section 7(b)(2) of the Small Business Act that was
3 refinanced as part of a covered loan and authorized
4 by section 7(a)(36)(F)(iv) of such Act.”.

5 (3) CONFORMING AMENDMENTS.—Section 1106
6 of the CARES Act (Public Law 116–136) is amend-
7 ed—

8 (A) in subsection (e)—

9 (i) in paragraph (2), by striking “pay-
10 ments on covered mortgage obligations,
11 payments on covered lease obligations, and
12 covered utility payments” and inserting
13 “payments or amounts refinanced de-
14 scribed under subsection (b) (other than
15 payroll costs)”;

16 (ii) in paragraph (3)(B), by striking
17 “, make interest payments” and all that
18 follows through “or make covered utility
19 payments” and inserting “, make pay-
20 ments described under subsection (b), or
21 that was refinanced as part of a covered
22 loan and authorized by section
23 7(a)(36)(F)(iv) of the Small Business
24 Act”; and

1 (B) in subsection (h), by striking “pay-
2 ments for payroll costs, payments on covered
3 mortgage obligations, payments on covered
4 lease obligations, or covered utility payments”
5 each place it appears and inserting “payments
6 or amounts refinanced described under sub-
7 section (b)”.

8 (c) APPLICATION REQUIREMENTS FOR PAYCHECK
9 PROTECTION PROGRAM LOAN FORGIVENESS.—Section
10 1106(e) of the CARES Act (Public Law 116–136) is
11 amended—

12 (1) in paragraph (3)(B), by striking “and” at
13 the end;

14 (2) by redesignating paragraph (4) as para-
15 graph (6); and

16 (3) by inserting after paragraph (3) the fol-
17 lowing new paragraphs:

18 “(4) information on the veteran status, gender,
19 race, and ethnicity, as reported on Form 1919 of the
20 Administration or any similar loan application form
21 of the Administration, of the eligible recipient;

22 “(5) the number of full-time equivalent employ-
23 ees of the eligible recipient—

24 “(A) on February 15, 2020;

1 “(B) on the day the eligible recipient sub-
2 mitted an application for a covered loan; and

3 “(C) on the day the eligible recipient sub-
4 mitted an application for forgiveness of a cov-
5 ered loan under this section; and”.

6 (d) **HOLD HARMLESS FOR ELIGIBLE RECIPIENTS.**—
7 Section 1106(d) of the CARES Act (Public Law 116–136)
8 is amended by adding at the end the following new para-
9 graph:

10 “(7) **EXEMPTION BASED ON EMPLOYEE AVAIL-**
11 **ABILITY.**—During the period beginning on February
12 15, 2020 and ending on December 31, 2020, the
13 amount of loan forgiveness under this section shall
14 be determined without regard to a reduction in the
15 number of full-time equivalent employees if an eligi-
16 ble recipient—

17 “(A) is unable rehire an individual who
18 was an employee of the eligible recipient on or
19 before February 15, 2020; or

20 “(B) is able to demonstrate an inability to
21 find similarly qualified employees on or before
22 December 31, 2020.”.

23 (e) **PROHIBITION ON LIMITING FORGIVENESS.**—Sec-
24 tion 1106(d) of the CARES Act (Public Law 116–136),

1 as amended by subsection (c), is further amended by add-
2 ing at the end the following new paragraph:

3 “(8) NO LIMITATIONS.—In carrying out this
4 section, the Administrator may not limit the non-
5 payroll portion of a forgivable covered loan
6 amount.”.

7 (f) HOLD HARMLESS.—Section 1106(h) of the
8 CARES Act (Public Law 116–136), is amended by strik-
9 ing “If a lender” and all that follows through “during cov-
10 ered period” inserting the following: “If a lender has re-
11 ceived any documentation required under this Act related
12 to payments made by an eligible recipient attesting that
13 the eligible recipient has accurately verified such pay-
14 ments”.

15 **SEC. 90005. IMPROVED COORDINATION BETWEEN PAY-**
16 **CHECK PROTECTION PROGRAM AND EM-**
17 **PLOYEE RETENTION TAX CREDIT.**

18 (a) AMENDMENT TO PAYCHECK PROTECTION PRO-
19 GRAM.—Section 1106(a)(8) of the Cares Act is amended
20 by inserting “, except that such costs shall not include
21 qualified wages taken into account in determining the
22 credit allowed under section 2301 of this Act” before the
23 period at the end.

24 (b) AMENDMENTS TO EMPLOYEE RETENTION TAX
25 CREDIT.—

1 (1) IN GENERAL.—Section 2301(g) of the
2 CARES Act is amended to read as follows:

3 “(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO
4 ACCOUNT.—

5 “(1) IN GENERAL.—This section shall not apply
6 to qualified wages paid by an eligible employer with
7 respect to which such employer makes an election
8 (at such time and in such manner as the Secretary
9 may prescribe) to have this section not apply to such
10 wages.

11 “(2) COORDINATION WITH PAYCHECK PROTEC-
12 TION PROGRAM.—The Secretary, in consultation
13 with the Administrator of the Small Business Ad-
14 ministration, shall issue guidance providing that
15 payroll costs paid or incurred during the covered pe-
16 riod shall not fail to be treated as qualified wages
17 under this section by reason of an election under
18 paragraph (1) to the extent that a covered loan of
19 the eligible employer is not forgiven by reason of a
20 decision under section 1106(g). Terms used in the
21 preceding sentence which are also used in section
22 1106 shall have the same meaning as when used in
23 such section.”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) Section 2301 of the CARES Act is
2 amended by striking subsection (j).

3 (B) Section 2301(l) of the CARES Act is
4 amended by striking paragraph (3) and by re-
5 designating paragraphs (4) and (5) as para-
6 graphs (3) and (4), respectively.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the provisions
9 of the CARES Act to which they relate.

10 **SEC. 90006. TAXABILITY OF SUBSIDY FOR CERTAIN LOAN**
11 **PAYMENTS.**

12 Section 1112 of the CARES Act (Public Law 116–
13 136) is amended by inserting at the end the following new
14 subsection:

15 “(g) TAXABILITY.—For purposes of the Internal
16 Revenue Code of 1986, any payment under this section
17 shall not be included in the gross income of the taxpayer
18 on whose behalf such payment is made.”.

19 **SEC. 90007. PROHIBITING CONFLICTS OF INTEREST FOR**
20 **SMALL BUSINESS PROGRAMS UNDER THE**
21 **CARES ACT.**

22 Section 4019 of the CARES Act (Public Law 116–
23 136) is amended—

24 (1) in subsection (a), by adding at the end the
25 following:

1 “(7) SMALL BUSINESS ASSISTANCE.—The term
2 ‘small business assistance’ means assistance pro-
3 vided under—

4 “(A) paragraph (36) of section 7(a) of the
5 Small Business Act (15 U.S.C. 636(a)), as
6 added by section 1102 of this Act;

7 “(B) subsection (b) or (c) of section 1103
8 of this Act;

9 “(C) section 1110 of this Act; or

10 “(D) section 1112 of this Act.”;

11 (2) in subsection (b)—

12 (A) by inserting “or provisions relating to
13 small business assistance” after “this subtitle”;
14 and

15 (B) by inserting “or for any small business
16 assistance” before the period at the end; and

17 (3) in subsection (c)—

18 (A) by inserting “or seeking any small
19 business assistance” after “4003”;

20 (B) by inserting “or small business assist-
21 ance” after “that transaction”;

22 (C) by inserting “or the Administrator of
23 the Small Business Administration, as applica-
24 ble,” after “System”; and

1 (D) by inserting “or receive the small busi-
2 ness assistance” after “in that transaction”.

3 **SEC. 90008. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF**
4 **7(A) LOANS.**

5 Section 7(a)(7) of the Small Business Act (15 U.S.C.
6 636(a)(7)) is amended—

7 (1) by striking “The Administration” and in-
8 serting “(A) IN GENERAL.—The Administrator”;

9 (2) by inserting “and interest” after “prin-
10 cipal”; and

11 (3) by adding at the end the following new sub-
12 paragraphs:

13 “(B) DEFERRAL REQUIREMENTS.—With re-
14 spect to a deferral provided under this paragraph,
15 the Administrator—

16 “(i) shall require lenders under this sub-
17 section to provide full payment deferment relief
18 (including payment of principal and interest)
19 for a period of not less than 1 year; and

20 “(ii) may allow lenders under this sub-
21 section provide an additional deferment period
22 if the borrower provides documentation justi-
23 fying such additional deferment.

24 “(C) SECONDARY MARKET.—If an investor de-
25 clines to approve a deferral or additional deferment

1 requested by a lender under subparagraph (B), the
2 Administrator shall exercise the authority to pur-
3 chase the loan so that the borrower may receive full
4 payment deferment relief (including payment of
5 principal and interest) or an additional deferment as
6 described under subparagraph (B).”.

7 **SEC. 90009. CERTAIN CRIMINAL VIOLATIONS AND DIS-**
8 **ASTER LOAN APPLICATIONS.**

9 (a) IN GENERAL.—The flush matter following sub-
10 paragraph (E) of section 7(b)(2) of the Small Business
11 Act (15 U.S.C. 636(b)(2)) is amended by striking the pe-
12 riod at the end and inserting the following: “: *Provided*
13 *further*, That any application for a loan or guarantee made
14 pursuant to this paragraph (2) shall include a statement
15 that an applicant is not ineligible for assistance under this
16 paragraph solely because of the applicant’s involvement in
17 the criminal justice system.”

18 (b) RULEMAKING.—Not later than 15 days after the
19 date of enactment of this Act, the Administrator of the
20 Small Business Administration shall make necessary revi-
21 sions to any rules to carry out the amendment made by
22 this section.

23 **SEC. 90010. TEMPORARY FEE REDUCTIONS.**

24 (a) ADMINISTRATIVE FEE WAIVER.—

1 (1) IN GENERAL.—During the period beginning
2 on the date of enactment of this Act and ending on
3 September 30, 2021, and to the extent that the cost
4 of such elimination or reduction of fees is offset by
5 appropriations, with respect to each loan guaranteed
6 under section 7(a) of the Small Business Act (15
7 U.S.C. 636(a)) (including a recipient of assistance
8 under the Community Advantage Pilot Program of
9 the Administration) for which an application is ap-
10 proved or pending approval on or after the date of
11 enactment of this Act, the Administrator shall—

12 (A) in lieu of the fee otherwise applicable
13 under section 7(a)(23)(A) of the Small Busi-
14 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
15 fee or reduce fees to the maximum extent pos-
16 sible; and

17 (B) in lieu of the fee otherwise applicable
18 under section 7(a)(18)(A) of the Small Busi-
19 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
20 fee or reduce fees to the maximum extent pos-
21 sible.

22 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
23 DUCTIONS.—To the extent that amounts are made
24 available to the Administrator for the purpose of fee

1 eliminations or reductions under paragraph (1), the
2 Administrator shall—

3 (A) first use any amounts provided to
4 eliminate or reduce fees paid by small business
5 borrowers under clauses (i) through (iii) of sec-
6 tion 7(a)(18)(A) of the Small Business Act (15
7 U.S.C. 636(a)(18)(A)), to the maximum extent
8 possible; and

9 (B) then use any amounts provided to
10 eliminate or reduce fees under 7(a)(23)(A) of
11 the Small Business Act (15 U.S.C.
12 636(a)(23)(A)).

13 (c) TEMPORARY FEE ELIMINATION FOR THE 504
14 LOAN PROGRAM.—

15 (1) IN GENERAL.—During the period beginning
16 on the date of enactment of this section and ending
17 on September 30, 2021, and to the extent the cost
18 of such elimination in fees is offset by appropria-
19 tions, with respect to each project or loan guaran-
20 teed by the Administrator pursuant to title V of the
21 Small Business Investment Act of 1958 (15 U.S.C.
22 695 et seq.) for which an application is approved or
23 pending approval on or after the date of enactment
24 of this section—

1 (A) the Administrator shall, in lieu of the
2 fee otherwise applicable under section 503(d)(2)
3 of the Small Business Investment Act of 1958
4 (15 U.S.C. 697(d)(2)), collect no fee; and

5 (B) a development company shall, in lieu
6 of the processing fee under section
7 120.971(a)(1) of title 13, Code of Federal Reg-
8 ulations (relating to fees paid by borrowers), or
9 any successor thereto, collect no fee.

10 (2) REIMBURSEMENT FOR WAIVED FEES.—

11 (A) IN GENERAL.—To the extent that the
12 cost of such payments is offset by appropria-
13 tions, the Administrator shall reimburse each
14 development company that does not collect a
15 processing fee pursuant to paragraph (1)(B).

16 (B) AMOUNT.—The payment to a develop-
17 ment company under subparagraph (A) shall be
18 in an amount equal to 1.5 percent of the net
19 debenture proceeds for which the development
20 company does not collect a processing fee pur-
21 suant to paragraph (1)(B).

22 **SEC. 90011. GUARANTEE AMOUNTS.**

23 (a) 7(a) LOAN GUARANTEES.—

24 (1) IN GENERAL.—Section 7(a)(2)(A) of the
25 Small Business Act (15 U.S.C. 636(a)(2)(A)) is

1 amended by striking “), such participation by the
2 Administration shall be equal to” and all that fol-
3 lows through the period at the end and inserting “or
4 the Community Advantage Pilot Program of the Ad-
5 ministration), such participation by the Administra-
6 tion shall be equal to 90 percent of the balance of
7 the financing outstanding at the time of disburse-
8 ment of the loan.”.

9 (2) TERMINATION.—Effective September 30,
10 2021, section 7(a)(2)(A) of the Small Business Act
11 (15 U.S.C. 636(a)(2)(A)), as amended by paragraph
12 (1), is amended to read as follows:

13 “(A) IN GENERAL.—Except as provided in
14 subparagraphs (B), (D), (E), and (F), in an
15 agreement to participate in a loan on a deferred
16 basis under this subsection (including a loan
17 made under the Preferred Lenders Program),
18 such participation by the Administration shall
19 be equal to—

20 “(i) 75 percent of the balance of the
21 financing outstanding at the time of dis-
22 bursement of the loan, if such balance ex-
23 ceeds \$150,000; or

24 “(ii) 85 percent of the balance of the
25 financing outstanding at the time of dis-

1 bursement of the loan, if such balance is
2 less than or equal to \$150,000.”.

3 (b) EXPRESS LOAN GUARANTEE AMOUNTS.—

4 (1) TEMPORARY MODIFICATION.—Section
5 7(a)(31)(A)(iv) of the Small Business Act (15
6 U.S.C. 636(a)(31)(A)(iv)) is amended by striking
7 “with a guaranty rate of not more than 50 percent.”
8 and inserting the following: “with a guarantee
9 rate—

10 “(I) for a loan in an amount less
11 than or equal to \$350,000, of not
12 more than 90 percent; and

13 “(II) for a loan in an amount
14 greater than \$350,000, of not more
15 than 75 percent.”.

16 (2) PROSPECTIVE REPEAL.—Effective January
17 1, 2021, section 7(a)(31)(A)(iv) of the Small Busi-
18 ness Act (15 U.S.C. 636(a)(31)), as amended by
19 paragraph (1), is amended by striking “guarantee
20 rate” and all that follows through the period at the
21 end and inserting “guarantee rate of not more than
22 50 percent.”.

23 **SEC. 90012. MAXIMUM LOAN AMOUNT FOR 7(a) LOANS.**

24 During the period beginning on the date of enactment
25 of this section and ending on September 30, 2021, with

1 respect to any loan guaranteed under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)) for which an appli-
3 cation is approved or pending approval on or after the date
4 of enactment of this section, the maximum loan amount
5 shall be \$10,000,000.

6 **SEC. 90013. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

7 (a) TEMPORARY INCREASE.—During the period be-
8 ginning on the date of enactment of this section and end-
9 ing on September 30, 2021, with respect to each project
10 or loan guaranteed by the Administrator pursuant to title
11 V of the Small Business Investment Act of 1958 (15
12 U.S.C. 695 et seq.) for which an application is approved
13 or pending approval on or after the date of enactment of
14 this section, the maximum loan amount shall be
15 \$10,000,000.

16 (b) PERMANENT INCREASE FOR SMALL MANUFAC-
17 TURERS.—Effective on October 1, 2021, section
18 502(2)(A)(iii) of the Small Business Investment Act of
19 1958 (15 U.S.C. 696(2)(A)(iii)) is amended by striking
20 “\$5,500,000” and inserting “\$10,000,000”.

21 (c) LOW-INTEREST REFINANCING UNDER THE
22 LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

23 (1) REPEAL.—Section 521(a) of division E of
24 the Consolidated Appropriations Act, 2016 (Public

1 Law 114–113; 129 Stat. 2463; 15 U.S.C. 696 note)
2 is repealed.

3 (2) REFINANCING.—Section 502(7) of the
4 Small Business Investment Act of 1958 (15 U.S.C.
5 696(7)) is amended by adding at the end the fol-
6 lowing new subparagraph:

7 “(C) REFINANCING NOT INVOLVING EX-
8 PANSIONS.—

9 “(i) DEFINITIONS.—In this subpara-
10 graph—

11 “(I) the term ‘borrower’ means a
12 small business concern that submits
13 an application to a development com-
14 pany for financing under this sub-
15 paragraph;

16 “(II) the term ‘eligible fixed
17 asset’ means tangible property relat-
18 ing to which the Administrator may
19 provide financing under this section;
20 and

21 “(III) the term ‘qualified debt’
22 means indebtedness that—

23 “(aa) was incurred not less
24 than 6 months before the date of

1 the application for assistance
2 under this subparagraph;

3 “(bb) is a commercial loan;

4 “(cc) the proceeds of which
5 were used to acquire an eligible
6 fixed asset;

7 “(dd) was incurred for the
8 benefit of the small business con-
9 cern; and

10 “(ee) is collateralized by eli-
11 gible fixed assets; and

12 “(ii) AUTHORITY.—A project that
13 does not involve the expansion of a small
14 business concern may include the refi-
15 nancing of qualified debt if—

16 “(I) the amount of the financing
17 is not more than 90 percent of the
18 value of the collateral for the financ-
19 ing, except that, if the appraised value
20 of the eligible fixed assets serving as
21 collateral for the financing is less than
22 the amount equal to 125 percent of
23 the amount of the financing, the bor-
24 rower may provide additional cash or

1 other collateral to eliminate any defi-
2 ciency;

3 “(II) the borrower has been in
4 operation for all of the 2-year period
5 ending on the date the loan applica-
6 tion is submitted; and

7 “(III) for a financing for which
8 the Administrator determines there
9 will be an additional cost attributable
10 to the refinancing of the qualified
11 debt, the borrower agrees to pay a fee
12 in an amount equal to the anticipated
13 additional cost.

14 “(iii) FINANCING FOR BUSINESS EX-
15 PENSES.—

16 “(I) FINANCING FOR BUSINESS
17 EXPENSES.—The Administrator may
18 provide financing to a borrower that
19 receives financing that includes a refi-
20 nancing of qualified debt under clause
21 (ii), in addition to the refinancing
22 under clause (ii), to be used solely for
23 the payment of business expenses.

1 “(II) APPLICATION FOR FINANC-
2 ING.— An application for financing
3 under subclause (I) shall include—

4 “(aa) a specific description
5 of the expenses for which the ad-
6 ditional financing is requested;
7 and

8 “(bb) an itemization of the
9 amount of each expense.

10 “(III) CONDITION ON ADDI-
11 TIONAL FINANCING.—A borrower may
12 not use any part of the financing
13 under this clause for non-business
14 purposes.

15 “(iv) LOANS BASED ON JOBS.—

16 “(I) JOB CREATION AND RETEN-
17 TION GOALS.—

18 “(aa) IN GENERAL.—The
19 Administrator may provide fi-
20 nancing under this subparagraph
21 for a borrower that meets the job
22 creation goals under subsection
23 (d) or (e) of section 501.

24 “(bb) ALTERNATE JOB RE-
25 TENTION GOAL.—The Adminis-

1 trator may provide financing
2 under this subparagraph to a
3 borrower that does not meet the
4 goals described in item (aa) in an
5 amount that is not more than the
6 product obtained by multiplying
7 the number of employees of the
8 borrower by \$75,000.

9 “(II) NUMBER OF EMPLOYEES.—
10 For purposes of subclause (I), the
11 number of employees of a borrower is
12 equal to the sum of—

13 “(aa) the number of full-
14 time employees of the borrower
15 on the date on which the bor-
16 rower applies for a loan under
17 this subparagraph; and

18 “(bb) the product obtained
19 by multiplying—

20 “(AA) the number of
21 part-time employees of the
22 borrower on the date on
23 which the borrower applies
24 for a loan under this sub-
25 paragraph, by

1 “(BB) the quotient ob-
2 tained by dividing the aver-
3 age number of hours each
4 part time employee of the
5 borrower works each week
6 by 40.

7 “(vi) TOTAL AMOUNT OF LOANS.—
8 The Administrator may provide not more
9 than a total of \$7,500,000,000 of financ-
10 ing under this subparagraph for each fiscal
11 year.”.

12 (d) REFINANCING SENIOR PROJECT DEBT.—During
13 the 1-year period beginning after the date of the enact-
14 ment of this Act, a development company described under
15 title V of the Small Business Investment Act of 1958 (15
16 U.S.C. 695 et seq.) is authorized to allow the refinancing
17 of a senior loan on an existing project in an amount that,
18 when combined with the outstanding balance on the devel-
19 opment company loan, is not more than 90 percent of the
20 total value of the senior loan. Proceeds of such refinancing
21 can be used to support business operating expenses of
22 such development company.

23 **SEC. 90014. RECOVERY ASSISTANCE UNDER THE**
24 **MICROLOAN PROGRAM.**

25 (a) LOANS TO INTERMEDIARIES.—

1 (1) IN GENERAL.—Section 7(m) of the Small
2 Business Act (15 U.S.C. 636(m)) is amended—

3 (A) in paragraph (3)(C)—

4 (i) by striking “and \$6,000,000” and
5 inserting “\$10,000,000, in the aggregate,”; and
6

7 (ii) by inserting before the period at
8 the end the following: “, and \$4,500,000 in
9 any of those remaining years”;

10 (B) in paragraph (4)—

11 (i) in subparagraph (A), by striking
12 “subparagraph (C)” each place that term
13 appears and inserting “subparagraphs (C)
14 and (G)”;

15 (ii) in subparagraph (C), by amending
16 clause (i) to read as follows:

17 “(i) IN GENERAL.—In addition to
18 grants made under subparagraph (A) or
19 (G), each intermediary shall be eligible to
20 receive a grant equal to 5 percent of the
21 total outstanding balance of loans made to
22 the intermediary under this subsection if—

23 “(I) the intermediary provides
24 not less than 25 percent of its loans
25 to small business concerns located in

1 or owned by one or more residents of
2 an economically distressed area; or

3 “(II) the intermediary has a
4 portfolio of loans made under this
5 subsection—

6 “(aa) that averages not
7 more than \$10,000 during the
8 period of the intermediary’s par-
9 ticipation in the program; or

10 “(bb) of which not less than
11 25 percent is serving rural areas
12 during the period of the
13 intermediary’s participation in
14 the program.”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(G) GRANT AMOUNTS BASED ON APPRO-
18 PRIATIONS.—In any fiscal year in which the
19 amount appropriated to make grants under
20 subparagraph (A) is sufficient to provide to
21 each intermediary that receives a loan under
22 paragraph (1)(B)(i) a grant of not less than 25
23 percent of the total outstanding balance of
24 loans made to the intermediary under this sub-
25 section, the Administration shall make a grant

1 under subparagraph (A) to each intermediary
2 of not less than 25 percent and not more than
3 30 percent of that total outstanding balance for
4 the intermediary.”; and

5 (C) by striking paragraph (7) and insert-
6 ing the following:

7 “(7) PROGRAM FUNDING FOR MICROLOANS.—
8 Under the program authorized by this subsection,
9 the Administration may fund, on a competitive basis,
10 not more than 300 intermediaries.”.

11 (2) PROSPECTIVE AMENDMENT.—Effective on
12 October 1, 2021, section 7(m)(3)(C) of the Small
13 Business Act (15 U.S.C. 636(m)(3)(C)), as amended
14 by paragraph (1)(A), is further amended—

15 (A) by striking “\$10,000,000” and by in-
16 serting “\$7,000,000”; and

17 (B) by striking “\$4,500,000” and insert-
18 ing “\$3,000,000”.

19 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-
20 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-
21 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During
22 the period beginning on the date of enactment of this sec-
23 tion and ending on September 30, 2021, the Administra-
24 tion shall waive—

1 (1) the requirement to contribute non-Federal
2 funds under section 7(m)(4)(B) of the Small Busi-
3 ness Act (15 U.S.C. 636(m)(4)(B)); and

4 (2) the limitation on amounts allowed to be ex-
5 pended to provide information and technical assist-
6 ance under clause (i) of section 7(m)(4)(E) of the
7 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
8 enter into third-party contracts to provide technical
9 assistance under clause (ii) of such section
10 7(m)(4)(E).

11 (c) TEMPORARY DURATION OF LOANS TO BOR-
12 ROWERS.—

13 (1) IN GENERAL.—During the period beginning
14 on the date of enactment of this section and ending
15 on September 30, 2021, the duration of a loan made
16 by an eligible intermediary under section 7(m) of the
17 Small Business Act (15 U.S.C. 636(m))—

18 (A) to an existing borrower may be ex-
19 tended to not more than 8 years; and

20 (B) to a new borrower may be not more
21 than 8 years.

22 (2) REVERSION.—On and after October 1,
23 2021, the duration of a loan made by an eligible
24 intermediary to a borrower under section 7(m) of
25 the Small Business Act (15 U.S.C. 636(m)) shall be

1 7 years or such other amount established by the Ad-
2 ministrator.

3 (d) FUNDING.—Section 20 of the Small Business Act
4 (15 U.S.C. 631 note) is amended by adding at the end
5 the following:

6 “(h) MICROLOAN PROGRAM.—For each of fiscal
7 years 2021 through 2025, the Administration is author-
8 ized to make—

9 “(1) \$80,000,000 in technical assistance grants,
10 as provided in section 7(m); and

11 “(2) \$110,000,000 in direct loans, as provided
12 in section 7(m).”.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to amounts provided under the Consolidated Appro-
15 priations Act, 2020 (Public Law 116–93) for the program
16 established under section 7(m) of the Small Business Act
17 (15 U.S.C. 636(m)), there is authorized to be appro-
18 priated for fiscal year 2020, to remain available until ex-
19 pended—

20 (1) \$50,000,000 to provide technical assistance
21 grants under such section 7(m); and

22 (2) \$7,000,000 to provide direct loans under
23 such section 7(m).

1 **SEC. 90015. CYBERSECURITY AWARENESS REPORTING.**

2 Section 10 of the Small Business Act (15 U.S.C. 639)
3 is amended by inserting after subsection (a) the following:

4 “(b) CYBERSECURITY REPORTS.—

5 “(1) ANNUAL REPORT.—Not later than 180
6 days after the date of enactment of this subsection,
7 and every year thereafter, the Administrator shall
8 submit a report to the appropriate congressional
9 committees that includes—

10 “(A) an assessment of the information
11 technology (as defined in section 11101 of title
12 40, United States Code) and cybersecurity in-
13 frastructure of the Administration;

14 “(B) a strategy to increase the cybersecu-
15 rity infrastructure of the Administration;

16 “(C) a detailed account of any information
17 technology equipment or interconnected system
18 or subsystem of equipment of the Administra-
19 tion that was manufactured by an entity that
20 has its principal place of business located in the
21 People’s Republic of China; and

22 “(D) an account of any cybersecurity risk
23 or incident that occurred at the Administration
24 during the 2-year period preceding the date on
25 which the report is submitted, and any action

1 taken by the Administrator to respond to or re-
2 mediate any such cybersecurity risk or incident.

3 “(2) ADDITIONAL REPORTS.—If the Adminis-
4 trator determines that there is a reasonable basis to
5 conclude that a cybersecurity risk or incident oc-
6 curred at the Administration, the Administrator
7 shall—

8 “(A) not later than 7 days after the date
9 on which the Administrator makes that deter-
10 mination, notify the appropriate congressional
11 committees of the cybersecurity risk or incident;
12 and

13 “(B) not later than 30 days after the date
14 on which the Administrator makes a determina-
15 tion under subparagraph (A)—

16 “(i) provide notice to individuals and
17 small business concerns affected by the cy-
18 bersecurity risk or incident; and

19 “(ii) submit to the appropriate con-
20 gressional committees a report, based on
21 information available to the Administrator
22 as of the date which the Administrator
23 submits the report, that includes—

24 “(I) a summary of information
25 about the cybersecurity risk or inci-

1 dent, including how the cybersecurity
2 risk or incident occurred; and

3 “(II) an estimate of the number
4 of individuals and small business con-
5 cerns affected by the cybersecurity
6 risk or incident, including an assess-
7 ment of the risk of harm to affected
8 individuals and small business con-
9 cerns.

10 “(3) RULE OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to affect the re-
12 porting requirements of the Administrator under
13 chapter 35 of title 44, United States Code, in par-
14 ticular the requirement to notify the Federal infor-
15 mation security incident center under section
16 3554(b)(7)(C)(ii) of such title, or any other provi-
17 sion of law.

18 “(4) DEFINITIONS.—In this subsection:

19 “(A) APPROPRIATE CONGRESSIONAL COM-
20 MITTEES.—The term ‘appropriate congressional
21 committees’ means—

22 “(i) the Committee on Small Business
23 and Entrepreneurship of the Senate; and

24 “(ii) the Committee on Small Busi-
25 ness of the House of Representatives.

1 “(B) CYBERSECURITY RISK; INCIDENT.—
2 The terms ‘cybersecurity risk’ and ‘incident’
3 have the meanings given such terms, respec-
4 tively, under section 2209(a) of the Homeland
5 Security Act of 2002.”.

6 **SEC. 90016. REPORTING ON SMALL BUSINESS PROGRAMS**
7 **UNDER THE CARES ACT.**

8 (a) DEFINITIONS.—In this section—

9 (1) the terms “Administration” and “Adminis-
10 trator” mean the Small Business Administration
11 and the Administrator thereof;

12 (2) the term “appropriate congressional com-
13 mittees” means—

14 (A) Committee on Appropriations and the
15 Committee on Small Business and Entrepre-
16 neurship of the Senate; and

17 (B) the Committee on Appropriations and
18 the Committee on Small Business of the House
19 of Representatives;

20 (3) the term “covered assistance” means—

21 (A) loans made under section 7(a)(36) of
22 the Small Business Act (15 U.S.C. 636(a)(36));

23 (B) an advance on a loan made under sec-
24 tion 1110(e) of the CARES Act (Public Law
25 116–136);

1 (C) loans made under section 7(b)(2) of
2 the Small Business Act (15 U.S.C. 636(b)(2)),
3 including those made in accordance with section
4 1110 of the CARES Act (Public Law 116–
5 136);

6 (D) loan forgiveness under section 1106 of
7 the CARES Act (Public Law 116–136); and

8 (E) the payment of principal, interest, and
9 fees under section 1112(c) of the CARES Act
10 (Public Law 116–136);

11 (4) the term “covered loan” has the meaning
12 given the term in section 1112(a) of the CARES Act
13 (Public Law 116–136);

14 (5) the term “demographics” means veteran
15 status, gender, race, and ethnicity, as reported on
16 Form 1919 of the Administration or any similar
17 loan application form of the Administration; and

18 (6) the term “State”—

19 (A) means any State of the United States,
20 the District of Columbia, the Commonwealth of
21 Puerto Rico, the United States Virgin Islands,
22 Guam, American Samoa, the Commonwealth of
23 the Northern Mariana Islands, and any posses-
24 sion of the United States; and

1 (B) includes an Indian tribe, as defined in
2 section 4 of the Indian Self-Determination and
3 Education Assistance Act (25 U.S.C. 450b).

4 (b) DAILY REPORTING.—

5 (1) IN GENERAL.—During the period beginning
6 on the day after the date of enactment of this Act
7 and ending on the date on which loan, advance, or
8 payment activity described in this subsection related
9 to COVID–19 has ceased, the Administrator shall,
10 on a daily basis, report to Congress on—

11 (A) the total number and dollar amount of
12 loans or advances, broken down by loans and
13 grants approved and loans and grants dis-
14 bursed, under—

15 (i) section 7(a)(36) of the Small Busi-
16 ness Act (15 U.S.C. 636(a)(36));

17 (ii) section 1110(e) of the CARES Act
18 (Public Law 116–136); and

19 (iii) section 7(b)(2) of the Small Busi-
20 ness Act (15 U.S.C. 636(b)(2));

21 (B) for loans made under section 7(a)(36)
22 of the Small Business Act (15 U.S.C.
23 636(a)(36))—

1 (i) the amount of remaining authority
2 for the loans, in dollar amount and as a
3 percentage; and

4 (ii) an estimate of the date on which
5 the net and gross dollar amount of loans
6 will reach the maximum amount author-
7 ized for commitments for such loans;

8 (C) for advances made under section
9 1110(e) of the CARES Act (Public Law 116-
10 136)—

11 (i) the amount of remaining funds ap-
12 propriated for the advances, in dollar
13 amount and as a percentage; and

14 (ii) an estimate of the date on which
15 the funds will be expended; and

16 (D) for loans made under section 7(b)(2)
17 of the Small Business Act (15 U.S.C.
18 636(b)(2))—

19 (i) the amount of remaining authority
20 for the loans, in dollar amount and as a
21 percentage; and

22 (ii) an estimate of the date on which
23 the net and gross dollar amount of loans
24 will reach the maximum amount author-
25 ized for commitments for such loans.

1 (2) REPORTING ON DEBT RELIEF FOR
2 MICROLOANS, 7(A) LOANS, AND 504 LOANS.—The Ad-
3 ministrators shall include in each daily report sub-
4 mitted under paragraph (1), and update on a
5 monthly basis until the date described in paragraph
6 (1), with respect to payments made on covered loans
7 under section 1112(c) of the CARES Act (Public
8 Law 116–136)—

9 (A) the amount of remaining funds appro-
10 priated for the payments, in dollar amount and
11 as a percentage; and

12 (B) an estimate of the date on which the
13 funds will be expended.

14 (c) WEEKLY REPORTING.—

15 (1) IN GENERAL.—Not later than 1 week after
16 the date of enactment of this Act, and every week
17 thereafter until the date on which loan, advance, or
18 payment activity described in this subsection related
19 to COVID–19 has ceased, the Administrator shall
20 submit to Congress a report on—

21 (A) loans made under section 7(a)(36) of
22 the Small Business Act (15 U.S.C. 636(a)(36)),
23 which shall include—

24 (i) the number and dollar amount of
25 loans approved for or disbursed to all bor-

1 rowers, including a breakout of loans by
2 State, congressional district, demographics,
3 industry, and loan size;

4 (ii) the number and dollar amount of
5 loans approved for or disbursed to business
6 concerns assigned a North American In-
7 dustry Classification System code begin-
8 ning with 72, including a breakout of loans
9 by State, congressional district, demo-
10 graphics, and loan size;

11 (iii) the number and dollar amount of
12 loans approved for or disbursed to non-
13 profit organizations and veterans organiza-
14 tions (as those terms are defined in section
15 7(a)(36)(A) of the Small Business Act (15
16 U.S.C. 636(a)(36)(A)), including religious
17 institutions, including a breakout of loans
18 by State, congressional district, industry,
19 and loan size;

20 (iv) for each category of borrowers de-
21 scribed in clauses (i), (ii), and (iii)—

22 (I) the number of full-time equiv-
23 alent employees at the time at which
24 the borrower submits a loan applica-
25 tion;

1 (II) the number of full-time
2 equivalent employees at the time at
3 which the borrower receives loan for-
4 giveness under section 1106 of the
5 CARES Act (Public Law 116–136);
6 and

7 (III) the number of full-time
8 equivalent employees expected for bor-
9 rowers in the 6-month period fol-
10 lowing forgiveness of the loan;

11 (v) the number and dollar amount of
12 loans fully forgiven under section 1106 of
13 the CARES Act (Public Law 116–136), as
14 compared to the number and dollar
15 amount of loans made as of the date of the
16 report;

17 (vi) the number and dollar amount of
18 loans not fully forgiven under section 1106
19 of the CARES Act (Public Law 116–136),
20 and the proportion of that dollar amount
21 of loans that become term loans guaran-
22 teed by the Administration under section
23 7(a)(36) of the Small Business Act (15
24 U.S.C. 636(a)(36));

1 (vii) the total amount of the lender
2 compensation fees paid to lenders; and

3 (viii) the total amount lenders paid in
4 broker fees; and

5 (B) loans made under section 7(b)(2) of
6 the Small Business Act (15 U.S.C. 636(b)(2))
7 and advances made under section 1110(e) of
8 the CARES Act (Public Law 116–136), which
9 shall include—

10 (i) the number and dollar amount of
11 loans approved for or disbursed to all bor-
12 rowers, including a breakout of loans by
13 State, congressional district, demographics,
14 industry, and loan size;

15 (ii) the number and dollar amount of
16 advances approved for or disbursed to
17 grantees, including a breakout of loans by
18 State, congressional district, demographics,
19 industry, and grant size;

20 (iii) the number and dollar amount of
21 advances approved for or disbursed to pri-
22 vate nonprofit organizations, including a
23 breakout by State, congressional district,
24 industry, and loan or grant size;

1 (iv) for each category of recipients,
2 the number of full-time equivalent employ-
3 ees of the recipient at the time at which an
4 application is submitted for the loan or ad-
5 vance, and the number of jobs created or
6 retained because of the loan or advance;

7 (v) loan processing times, including
8 processing times for application to ap-
9 proval and approval to disbursement; and

10 (vi) advance processing times, includ-
11 ing the percentage of advances that were
12 provided within 3 days of submission of
13 the application, as required under section
14 1110(e)(1) of the CARES Act (Public Law
15 116–136).

16 (2) REPORTING ON DEBT RELIEF FOR
17 MICROLOANS, 7(A) LOANS, AND 504 LOANS.—The Ad-
18 ministrator shall include in each weekly report sub-
19 mitted under paragraph (1), and update on a
20 monthly basis until the date described in paragraph
21 (1), with respect to payments made on covered loans
22 under section 1112(c) of the CARES Act (Public
23 Law 116–136)—

24 (A) the total dollar amount approved and
25 the total amount disbursed by the Administra-

1 tion and the number of borrowers receiving as-
2 sistance under such section 1112(c), including a
3 breakdown by—

4 (i) each type of covered loan described
5 in subparagraph (A) and (B) of paragraph
6 (1) and paragraph (2) of such section
7 1112(a); and

8 (ii) whether the borrower is—

9 (I) an existing borrower of a cov-
10 ered loan, as described in subpara-
11 graph (A) or (B) of such section
12 1112(c)(1); or

13 (II) a new borrower of a covered
14 loan, as described in subparagraph
15 (C) of such section 1112(c)(1);

16 (B) the total dollar amount approved and
17 the total amount disbursed by the Administra-
18 tion by the Administration and number of bor-
19 rowers receiving assistance under such section
20 1112(c) broken out by State and congressional
21 district, including a breakdown by each type of
22 covered loan described in subparagraph (A) and
23 (B) of paragraph (1) and paragraph (2) of such
24 section 1112(a); and

1 (C) the total number and amount of new
2 covered loans by approval and disbursement
3 broken out by lending institution, including a
4 breakout of loans by State, congressional dis-
5 trict, demographics, industry, and loan size.

6 (d) REPORT ON WASTE, FRAUD AND ABUSE.—Not
7 later than 30 days after the date of enactment of this Act,
8 the Administrator and the Secretary of the Treasury shall
9 submit to Congress a joint report on steps that the Admin-
10 istration and the Department of the Treasury are taking
11 to identify and prevent potential instances of waste, fraud,
12 and abuse relating to covered assistance, including bor-
13 rower compliance with any loan deferment, relief, or for-
14 giveness provided through covered assistance.

15 (e) REPORT ON JOBS FOR THE DEBT RELIEF PRO-
16 GRAM.—

17 (1) IN GENERAL.—To the extent practicable,
18 with respect to each type of covered loan described
19 in subparagraphs (A) and (B) of paragraph (1) and
20 paragraph (2) of section 1112(a) of the CARES Act
21 (Public Law 116–136), the Administrator shall sub-
22 mit to Congress a report on—

23 (A) the number of full-time equivalent em-
24 ployees—

1 (i) for existing borrowers of a covered
2 loan, as described in subparagraph (A) or
3 (B) of such section 1112(c)(1) at the start
4 of the debt relief under such section
5 1112(c); and

6 (ii) for new borrowers of a covered
7 loan, as described in subparagraph (C) of
8 such section 1112(c)(1), at the time of ap-
9 plication for the covered loan; and

10 (B) the number of jobs created or retained
11 because of the covered loan or the debt relief.

12 (2) TIMING.—The Administrator shall, to the
13 extent practicable, submit to Congress the report re-
14 quired under paragraph (1) not later than October
15 1, 2020, with an updated version submitted not later
16 than January 31, 2021.

17 (f) REPORT ON CARES ACT SALARIES AND EX-
18 PENSES FUNDING.—Not later than 30 days after the date
19 of enactment of this Act, the Administrator shall submit
20 to the appropriate congressional committees a report that
21 includes the plans of the Administrator to use the
22 \$675,000,000 provided in section 1107(a)(2) of the
23 CARES Act (Public Law 116–136) for salaries and ex-
24 penses, and the \$2,100,000,000 provided in title II of the
25 Paycheck Protection Program and Health Care Enhance-

1 ment Act (Public Law 116–139) for salaries and expenses
2 (including staff hired, the use of outside consultants, pro-
3 gram improvements, and system upgrades), to carry out
4 the provisions of title I of division A of the CARES Act
5 (Public Law 116–136).

6 (g) COLLECTION OF ADDITIONAL DATA.—The Ad-
7 ministrator shall collect and make publically available—

8 (1) the number and dollar amount of loans ap-
9 proved and for or disbursed under 7(a)(36) of the
10 Small Business Act (15 U.S.C. 636(a)(36)) to bor-
11 rowers broken out by lending institution, including a
12 breakout of loans made by the lending institution by
13 State, congressional district, demographics, industry,
14 and loan size, and the number and percent of loan
15 applicants that were new or existing customers of
16 the lender;

17 (2) the total amount of the lender compensation
18 fees paid to each lender under such section 7(a)(36);

19 (3) the total amount each lender paid in broker
20 fees under such section 7(a)(36); and

21 (4) to the extent practicable, detailed informa-
22 tion on processing times for—

23 (A) loan approvals and loan disbursements
24 under such section 7(a)(36); and

1 (B) notices of forgiveness of the loans
2 under section 1106 of the CARES Act (Public
3 Law 116–136) to borrowers.

4 (h) **FORMAT OF REPORTED DATA.**—Not later than
5 30 days after the date of enactment of this Act, the Ad-
6 ministrator shall make available on a publicly available
7 website in a standardized and downloadable format, and
8 update on a monthly basis, any data contained in a report
9 submitted under this section.

10 **SEC. 90017. FUNDING FOR RESOURCES AND SERVICES IN**
11 **LANGUAGES OTHER THAN ENGLISH.**

12 Of the unobligated balances of amounts appropriated
13 for salaries and expenses by section 1107(a)(2) of the
14 CARES Act, \$25,000,000 shall be made available to carry
15 out the requirements of section 1111 of such Act.

16 **SEC. 90018. DIRECT APPROPRIATION.**

17 There is appropriated, out of amounts in the Treas-
18 ury not otherwise appropriated, for the fiscal year ending
19 September 30, 2020, to remain available until September
20 30, 2021—

21 (1) \$500,000,000 under the heading “Small
22 Business Administration—Business Loans Program
23 Account” to carry out the requirements of sections
24 90010, 90011, and 90012 of this division; and

1 (2) \$7,000,000 under the heading “Small Busi-
2 ness Administration—Business Loans Program Ac-
3 count” to carry out the requirements of section
4 90014 of this division; and

5 (3) \$50,000,000 under the heading “Small
6 Business Administration—Entrepreneurial Develop-
7 ment Programs” for technical assistance grants, as
8 authorized under section 90014 of this division.

1 **DIVISION J—SUPPORT FOR ES-**
2 **SENTIAL WORKERS, AT-RISK**
3 **INDIVIDUALS, FAMILIES, AND**
4 **COMMUNITIES**
5 **TITLE I—FAMILY CARE FOR**
6 **ESSENTIAL WORKERS**

7 **SEC. 100101. FAMILY CARE FOR ESSENTIAL WORKERS.**

8 (a) INCREASE IN FUNDING.—

9 (1) IN GENERAL.—The amount specified in
10 subsection (c) of section 2003 of the Social Security
11 Act for purposes of subsections (a) and (b) of such
12 section is deemed to be \$12,150,000,000 for fiscal
13 year 2020, of which \$850,000,000 shall be obligated
14 by States during calendar year 2020 in accordance
15 with subsection (b) of this section.

16 (2) APPROPRIATION.—Out of any money in the
17 Treasury of the United States not otherwise appro-
18 priated, there are appropriated \$850,000,000 for fis-
19 cal year 2020 to carry out this section.

20 (b) RULES GOVERNING USE OF ADDITIONAL
21 FUNDS.—

22 (1) IN GENERAL.—Funds are used in accord-
23 ance with this subsection if—

24 (A) the funds are used for—

1 (i) child care services for a child of an
2 essential worker; or

3 (ii) daytime care services or other
4 adult protective services for an individual
5 who—

6 (I) is a dependent, or a member
7 of the household of, an essential work-
8 er; and

9 (II) requires the services;

10 (B) the funds are provided to reimburse an
11 essential worker for the cost of obtaining the
12 services (including child care services obtained
13 on or after the date the Secretary of Health
14 and Human Services declared a public health
15 emergency pursuant to section 319 of the Pub-
16 lic Health Service Act on January 31, 2020, en-
17 titled “Determination that a Public Health
18 Emergency Exists Nationwide as the Result of
19 the 2019 Novel Coronavirus”), to a provider of
20 child care services, or to establish a temporary
21 child care facility operated by a State or local
22 government;

23 (C) eligibility for the funds or services, and
24 the amount of funds or services provided, is not
25 conditioned on a means test;

1 (D) the funds are used subject to the limi-
2 tations in section 2005 of the Social Security
3 Act, except that, for purposes of this subpara-
4 graph—

5 (i) paragraphs (3), (5), and (8) of sec-
6 tion 2005(a) of such Act shall not apply;
7 and

8 (ii)(I) the limitation in section
9 2005(a)(7) of such Act shall not apply
10 with respect to any standard which the
11 State involved determines would impede
12 the ability of the State to provide emer-
13 gency temporary care to a child, depend-
14 ent, or household member referred to in
15 subparagraph (A) of this paragraph; and

16 (II) if the State determines that such
17 a standard would be so impeding, the
18 State shall report the determination to the
19 Secretary, separately from the annual re-
20 port to the Secretary by the State;

21 (E) the funds are used to supplement, not
22 supplant, State general revenue funds for child
23 care assistance; and

24 (F) the funds are not used for child care
25 costs that are—

1 (i) covered by funds provided under
2 the Child Care and Development Block
3 Grant Act of 1990 or section 418 of the
4 Social Security Act; or

5 (ii) reimbursable by the Federal
6 Emergency Management Agency.

7 (2) ESSENTIAL WORKER DEFINED.—In para-
8 graph (1), the term “essential worker” means—

9 (A) a health sector employee;

10 (B) an emergency response worker;

11 (C) a sanitation worker;

12 (D) a worker at a business which a State
13 or local government official has determined
14 must remain open to serve the public during the
15 emergency referred to in paragraph (1)(B); and

16 (E) any other worker who cannot telework,
17 and whom the State deems to be essential dur-
18 ing the emergency referred to in paragraph
19 (1)(B).

1 **TITLE II—PANDEMIC EMER-**
2 **GENCY ASSISTANCE AND**
3 **SERVICES**

4 **SEC. 100201. FUNDING TO STATES, LOCALITIES, AND COM-**
5 **MUNITY-BASED ORGANIZATIONS FOR EMER-**
6 **GENCY AID AND SERVICES.**

7 (a) FUNDING FOR STATES.—

8 (1) INCREASE IN FUNDING FOR SOCIAL SERV-
9 ICES BLOCK GRANT PROGRAM.—

10 (A) APPROPRIATION.—Out of any money
11 in the Treasury of the United States not other-
12 wise appropriated, there are appropriated
13 \$9,600,000,000, which shall be available for
14 payments under section 2002 of the Social Se-
15 curity Act.

16 (B) DEADLINE FOR DISTRIBUTION OF
17 FUNDS.—Within 45 days after the date of the
18 enactment of this Act, the Secretary of Health
19 and Human Services shall distribute the funds
20 made available by this paragraph, which shall
21 be made available to States on an emergency
22 basis for immediate obligation and expenditure.

23 (C) SUBMISSION OF REVISED PRE-EX-
24 PENDITURE REPORT.—Within 90 days after a
25 State receives funds made available by this

1 paragraph, the State shall submit to the Sec-
2 retary a revised pre-expenditure report pursu-
3 ant to title XX of the Social Security Act that
4 describes how the State plans to administer the
5 funds.

6 (D) OBLIGATION OF FUNDS BY STATES.—
7 A State to which funds made available by this
8 paragraph are distributed shall obligate the
9 funds not later than December 31, 2020.

10 (E) EXPENDITURE OF FUNDS BY
11 STATES.—A grantee to which a State (or a sub-
12 grantee to which a grantee) provides funds
13 made available by this paragraph shall expend
14 the funds not later than December 31, 2021.

15 (2) RULES GOVERNING USE OF ADDITIONAL
16 FUNDS.—A State to which funds made available by
17 paragraph (1)(B) are distributed shall use the funds
18 in accordance with the following:

19 (A) PURPOSE.—

20 (i) IN GENERAL.—The State shall use
21 the funds only to support the provision of
22 emergency services to disadvantaged chil-
23 dren, families, and households.

24 (ii) DISADVANTAGED DEFINED.—In
25 this paragraph, the term “disadvantaged”

1 means, with respect to an entity, that the
2 entity—

3 (I) is an individual, or is located
4 in a community, that is experiencing
5 material hardship;

6 (II) is a household in which there
7 is a child (as defined in section 12(d)
8 of the Richard B. Russell National
9 School Lunch Act) or a child served
10 under section 11(a)(1) of such Act,
11 who, if not for the closure of the
12 school attended by the child during a
13 public health emergency designation
14 and due to concerns about a COVID–
15 19 outbreak, would receive free or re-
16 duced price school meals pursuant to
17 such Act;

18 (III) is an individual, or is lo-
19 cated in a community, with barriers to
20 employment; or

21 (IV) is located in a community
22 that, as of the date of the enactment
23 of this Act, is not experiencing a 56-
24 day downward trajectory of—

25 (aa) influenza-like illnesses;

- 1 (bb) COVID-like syndromic
- 2 cases;
- 3 (cc) documented COVID–19
- 4 cases; or
- 5 (dd) positive test results as
- 6 a percentage of total COVID–19
- 7 tests.

8 (B) PASS-THROUGH TO LOCAL ENTI-
9 TIES.—

10 (i) In the case of a State in which a
11 county administers or contributes finan-
12 cially to the non-Federal share of the
13 amounts expended in carrying out a State
14 program funded under title IV of the So-
15 cial Security Act, the State may pass funds
16 so made available through to—

17 (I) the chief elected official of the
18 city or urban county that administers
19 the program; or

20 (II) local government and com-
21 munity-based organizations.

22 (ii) In the case of any other State, the
23 State shall—

24 (I) pass the funds through to—

1 (aa)(AA) local governments
2 that will expend or distribute the
3 funds in consultation with com-
4 munity-based organizations with
5 experience serving disadvantaged
6 families or individuals; or

7 (BB) community-based or-
8 ganizations with experience serv-
9 ing disadvantaged families and
10 individuals; and

11 (bb) sub-State areas in pro-
12 portions based on the population
13 of disadvantaged individuals liv-
14 ing in the areas; and

15 (II) report to the Secretary on
16 how the State determined the
17 amounts passed through pursuant to
18 this clause.

19 (C) METHODS.—

20 (i) IN GENERAL.—The State shall use
21 the funds only for—

22 (I) administering emergency serv-
23 ices;

1 (II) providing short-term cash,
2 non-cash, or in-kind emergency dis-
3 aster relief;

4 (III) providing services with dem-
5 onstrated need in accordance with ob-
6 jective criteria that are made available
7 to the public;

8 (IV) operational costs directly re-
9 lated to providing services described
10 in subclauses (I), (II), and (III);

11 (V) local government emergency
12 social service operations; and

13 (VI) providing emergency social
14 services to rural and frontier commu-
15 nities that may not have access to
16 other emergency funding streams.

17 (ii) ADMINISTERING EMERGENCY
18 SERVICES DEFINED.—In clause (i), the
19 term “administering emergency services”
20 means—

21 (I) providing basic disaster relief,
22 economic, and well-being necessities to
23 ensure communities are able to safely
24 observe shelter-in-place and social
25 distancing orders;

1 (II) providing necessary supplies
2 such as masks, gloves, and soap, to
3 protect the public against infectious
4 disease; and

5 (III) connecting individuals, chil-
6 dren, and families to services or pay-
7 ments for which they may already be
8 eligible.

9 (D) PROHIBITIONS.—

10 (i) NO INDIVIDUAL ELIGIBILITY DE-
11 TERMINATIONS BY GRANTEES OR SUB-
12 GRANTEES.—Neither a grantee to which
13 the State provides the funds nor any sub-
14 grantee of such a grantee may exercise in-
15 dividual eligibility determinations for the
16 purpose of administering short-term, non-
17 cash, in-kind emergency disaster relief to
18 communities.

19 (ii) APPLICABILITY OF CERTAIN SO-
20 CIAL SERVICES BLOCK GRANT FUNDS USE
21 LIMITATIONS.—The State shall use the
22 funds subject to the limitations in section
23 2005 of the Social Security Act, except
24 that, for purposes of this clause, section

1 2005(a)(2) and 2005(a)(8) of such Act
2 shall not apply.

3 (iii) NO SUPPLANTATION OF CERTAIN
4 STATE FUNDS.—The State may use the
5 funds to supplement, not supplant, State
6 general revenue funds for social services.

7 (iv) BAN ON USE FOR CERTAIN COSTS
8 REIMBURSABLE BY FEMA.—The State may
9 not use the funds for costs that are reim-
10 bursable by the Federal Emergency Man-
11 agement Agency, under a contract for in-
12 surance, or by self-insurance.

13 (b) FUNDING FOR FEDERALLY RECOGNIZED INDIAN
14 TRIBES AND TRIBAL ORGANIZATIONS.—

15 (1) GRANTS.—

16 (A) IN GENERAL.—Within 90 days after
17 the date of the enactment of this Act, the Sec-
18 retary of Health and Human Services shall
19 make grants to federally recognized Indian
20 Tribes and Tribal organizations.

21 (B) AMOUNT OF GRANT.—The amount of
22 the grant for an Indian Tribe or Tribal organi-
23 zation shall bear the same ratio to the amount
24 appropriated by paragraph (3) as the total
25 amount of grants awarded to the Indian Tribe

1 or Tribal organization under the Low-Income
2 Home Energy Assistance Act of 1981 and the
3 Community Service Block Grant for fiscal year
4 2020 bears to the total amount of grants
5 awarded to all Indian Tribes and Tribal organi-
6 zations under such Act and such Grant for the
7 fiscal year.

8 (2) RULES GOVERNING USE OF FUNDS.—An
9 entity to which a grant is made under paragraph (1)
10 shall obligate the funds not later than December 31,
11 2020, and the funds shall be expended by grantees
12 and subgrantees not later than December 31, 2021,
13 and used in accordance with the following:

14 (A) PURPOSE.—

15 (i) IN GENERAL.—The grantee shall
16 use the funds only to support the provision
17 of emergency services to disadvantaged
18 households.

19 (ii) DISADVANTAGED DEFINED.—In
20 clause (i), the term “disadvantaged”
21 means, with respect to an entity, that the
22 entity—

23 (I) is an individual, or is located
24 in a community, that is experiencing
25 material hardship;

1 (II) is a household in which there
2 is a child (as defined in section 12(d)
3 of the Richard B. Russell National
4 School Lunch Act) or a child served
5 under section 11(a)(1) of such Act,
6 who, if not for the closure of the
7 school attended by the child during a
8 public health emergency designation
9 and due to concerns about a COVID-
10 19 outbreak, would receive free or re-
11 duced price school meals pursuant to
12 such Act;

13 (III) is an individual, or is lo-
14 cated in a community, with barriers to
15 employment; or

16 (IV) is located in a community
17 that, as of the date of the enactment
18 of this Act, is not experiencing a 56-
19 day downward trajectory of—

20 (aa) influenza-like illnesses;

21 (bb) COVID-like syndromic
22 cases;

23 (cc) documented COVID-19
24 cases; or

1 (dd) positive test results as
2 a percentage of total COVID-19
3 tests.

4 (B) METHODS.—

5 (i) IN GENERAL.—The grantee shall
6 use the funds only for—

7 (I) administering emergency serv-
8 ices;

9 (II) providing short-term, non-
10 cash, in-kind emergency disaster re-
11 lief; and

12 (III) tribal emergency social serv-
13 ice operations.

14 (ii) ADMINISTERING EMERGENCY
15 SERVICES DEFINED.—In clause (i), the
16 term “administering emergency services”
17 means—

18 (I) providing basic economic and
19 well-being necessities to ensure com-
20 munities are able to safely observe
21 shelter-in-place and social distancing
22 orders;

23 (II) providing necessary supplies
24 such as masks, gloves, and soap, to

1 protect the public against infectious
2 disease; and

3 (III) connecting individuals, chil-
4 dren, and families to services or pay-
5 ments for which they may already be
6 eligible.

7 (C) PROHIBITIONS.—

8 (i) NO INDIVIDUAL ELIGIBILITY DE-
9 TERMINATIONS BY GRANTEES OR SUB-
10 GRANTEES.—Neither the grantee nor any
11 subgrantee may exercise individual eligi-
12 bility determinations for the purpose of ad-
13 ministering short-term, non-cash, in-kind
14 emergency disaster relief to communities.

15 (ii) BAN ON USE FOR CERTAIN COSTS
16 REIMBURSABLE BY FEMA.—The grantee
17 may not use the funds for costs that are
18 reimbursable by the Federal Emergency
19 Management Agency, under a contract for
20 insurance, or by self-insurance.

21 (3) APPROPRIATION.—Out of any money in the
22 Treasury of the United States not otherwise appro-
23 priated, there are appropriated to the Secretary of
24 Health and Human Services \$400,000,000 to carry
25 out this subsection.

1 **SEC. 100202. EMERGENCY ASSISTANCE TO OLDER FOSTER**
2 **YOUTH.**

3 (a) FUNDING INCREASES.—

4 (1) GENERAL PROGRAM.—The dollar amount
5 specified in section 477(h)(1) of the Social Security
6 Act for fiscal year 2020 is deemed to be
7 \$193,000,000.

8 (2) EDUCATION AND TRAINING VOUCHERS.—
9 The dollar amount specified in section 477(h)(2) of
10 such Act for fiscal year 2020 is deemed to be
11 \$78,000,000.

12 (b) PROGRAMMATIC FLEXIBILITY.—With respect to
13 the period that begins on March 1, 2020, and ends Janu-
14 ary 31, 2021:

15 (1) ELIMINATION OF AGE LIMITATIONS ON ELI-
16 GIBILITY FOR ASSISTANCE.—Eligibility for services
17 or assistance under a State program operated pursu-
18 ant to section 477 of the Social Security Act shall
19 be provided without regard to the age of the recipi-
20 ent.

21 (2) SUSPENSION OF WORK AND EDUCATION RE-
22 QUIREMENTS UNDER THE EDUCATION AND TRAIN-
23 ING VOUCHER PROGRAM.—Section 477(i)(3) of the
24 Social Security Act shall be applied and adminis-
25 tered without regard to any work or education re-
26 quirement.

1 (3) AUTHORITY TO WAIVE LIMITATION ON PER-
2 CENTAGE OF FUNDS USED FOR HOUSING ASSIST-
3 ANCE.—The Secretary of Health and Human Serv-
4 ices (in this subsection referred to as the “Sec-
5 retary”) may apply and administer section 477 of
6 the Social Security Act without regard to subsection
7 (b)(3)(B) of such section.

8 (4) ELIMINATION OF EDUCATION AND EMPLOY-
9 MENT REQUIREMENTS FOR CERTAIN FOSTER
10 YOUTH.—The Secretary may waive the applicability
11 of subclauses (I) through (IV) of section
12 475(8)(B)(iv) of the Social Security Act.

13 (c) STATE DEFINED.—In subsection (a), the term
14 “State” has the meaning given the term in section
15 1101(a) of the Social Security Act for purposes of title
16 IV of such Act, and includes an Indian tribe, tribal organi-
17 zation, or tribal consortium with an application and plan
18 approved under section 477(j) of such Act for fiscal year
19 2020.

20 **SEC. 100203. EMERGENCY ASSISTANCE TO FAMILIES**
21 **THROUGH HOME VISITING PROGRAMS.**

22 (a) IN GENERAL.—For purposes of section 511 of the
23 Social Security Act, during the period that begins on Feb-
24 ruary 1, 2020, and ends January 31, 2021—

1 (1) a virtual home visit shall be considered a
2 home visit;

3 (2) funding for, and staffing levels of, a pro-
4 gram conducted pursuant to such section shall not
5 be reduced on account of reduced enrollment in the
6 program; and

7 (3) funds provided for such a program may be
8 used—

9 (A) to train home visitors in conducting a
10 virtual home visit and in emergency prepared-
11 ness and response planning for families served;

12 (B) for the acquisition by families enrolled
13 in the program of such technological means as
14 are needed to conduct and support a virtual
15 home visit;

16 (C) to provide emergency supplies (such as
17 diapers, formula, non-perishable food, water,
18 hand soap and hand sanitizer) to families
19 served; and

20 (D) to provide prepaid debit cards to an el-
21 igible family (as defined in section 511(k)(2) of
22 such Act) for the purpose of enabling the family
23 to meet the emergency needs of the family.

1 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
2 (a), the term “virtual home visit” means a visit that is
3 conducted solely by electronic means.

4 (c) AUTHORITY TO DELAY DEADLINES.—

5 (1) IN GENERAL.—The Secretary of Health and
6 Human Services may extend the deadline by which
7 a requirement of section 511 of the Social Security
8 Act must be met, by such period of time as the Sec-
9 retary deems appropriate.

10 (2) GUIDANCE.—The Secretary shall provide to
11 eligible entities funded under section 511 of the So-
12 cial Security Act information on the parameters
13 used in extending a deadline under paragraph (1) of
14 this subsection.

15 (d) SUPPLEMENTAL APPROPRIATION.—In addition
16 to amounts otherwise appropriated, out of any money in
17 the Treasury of the United States not otherwise appro-
18 priated, there are appropriated to the Secretary of Health
19 and Human Services \$100,000,000, to enable eligible enti-
20 ties to conduct programs funded under section 511 of the
21 Social Security Act pursuant to this section, which shall
22 remain available for obligation not later than January 31,
23 2021.

1 **TITLE III—PROGRAM FLEXI-**
2 **BILITY DURING THE PAN-**
3 **DEMIC**

4 **SEC. 100301. EMERGENCY FLEXIBILITY FOR CHILD WEL-**
5 **FARE PROGRAMS.**

6 (a) IN GENERAL.—With respect to the period that
7 begins on March 1, 2020, and ends January 31, 2021:

8 (1) AUTHORITY OF STATES TO DETERMINE
9 HOW DAILY ACTIVITIES MAY BE CONDUCTED RE-
10 MOTELY.—The Secretary of Health and Human
11 Services may allow a State to determine how daily
12 activities under the State plan developed under part
13 B of title IV of the Social Security Act and the
14 State program funded under section 477 of such Act
15 may be conducted through electronic means to com-
16 ply with public health guidelines relating to social
17 distancing, including conducting any required court
18 proceedings pertaining to children in care. In mak-
19 ing any such determination, the State shall work to
20 ensure that the safety and health of each child in
21 care remains paramount.

22 (2) COUNTING OF REMOTE CASEWORKER VISITS
23 AS IN-PERSON VISITS.—In the case of a foster child
24 who has attained 18 years of age and with respect
25 to whom foster care maintenance payments are

1 being made under a State plan approved under part
2 E of title IV of the Social Security Act, caseworker
3 contact with the child that includes visual and audi-
4 tory contact and which is conducted solely by elec-
5 tronic means is deemed an in-person visit to the
6 child by the caseworker for purposes of section
7 424(f)(1)(A) of such Act if the child is visited by the
8 caseworker in person not less than once every 6
9 months while in such care.

10 (b) STATE DEFINED.—In subsection (a), the term
11 “State” has the meaning given the term in section
12 1101(a) of the Social Security Act for purposes of title
13 IV of such Act, and includes an Indian tribe, tribal organi-
14 zation, or tribal consortium with an application and plan
15 approved under this section 477(j) of such Act for fiscal
16 year 2020.

17 **SEC. 100302. EMERGENCY FLEXIBILITY FOR CHILD SUP-**
18 **PORT PROGRAMS.**

19 (a) IN GENERAL.—With respect to the period that
20 begins on March 1, 2020, and ends January 31, 2021:

21 (1) Sections 408(a)(2), 409(a)(5), and
22 409(a)(8) of the Social Security Act shall have no
23 force or effect.

24 (2) Notwithstanding section 466(d) of such Act,
25 the Secretary of Health and Human Services (in this

1 subsection referred to as the “Secretary”) may ex-
2 empt a State from any requirement of section 466
3 of such Act to respond to the COVID–19 pandemic,
4 except that the Secretary may not exempt a State
5 from any requirement to—

6 (A) provide a parent with notice of a right
7 to request a review and, if appropriate, adjust-
8 ment of a support order; or

9 (B) afford a parent the opportunity to
10 make such a request.

11 (3) The Secretary may not impose a penalty or
12 take any other adverse action against a State pursu-
13 ant to section 452(g)(1) of such Act for failure to
14 achieve a paternity establishment percentage of less
15 than 90 percent.

16 (4) The Secretary may not find that the pater-
17 nity establishment percentage for a State is not
18 based on reliable data for purposes of section
19 452(g)(1) of such Act, and the Secretary may not
20 determine that the data which a State submitted
21 pursuant to section 452(a)(4)(C)(i) of such Act and
22 which is used in determining a performance level is
23 not complete or reliable for purposes of section
24 458(b)(5)(B) of such Act, on the basis of the failure

1 of the State to submit OCSE Form 396 or 34 in a
2 timely manner.

3 (5) The Secretary may not impose a penalty or
4 take any other adverse action against a State for
5 failure to comply with section 454A(g)(1)(A)(i) of
6 such Act.

7 (6) The Secretary may not disapprove a State
8 plan submitted pursuant to part D of title IV of
9 such Act for failure of the plan to meet the require-
10 ment of section 454(1) of such Act, and may not im-
11 pose a penalty or take any other adverse action
12 against a State with such a plan that meets that re-
13 quirement for failure to comply with that require-
14 ment.

15 (7) To the extent that a preceding provision of
16 this section applies with respect to a provision of law
17 applicable to a program operated by an Indian tribe
18 or tribal organization (as defined in subsections (e)
19 and (l) of section 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C. 450b)),
21 that preceding provision shall apply with respect to
22 the Indian tribe or tribal organization.

23 (b) STATE DEFINED.—In subsection (a), the term
24 “State” has the meaning given the term in section

1 1101(a) of the Social Security Act for purposes of title
2 IV of such Act.

3 **SEC. 100303. EMERGENCY FLEXIBILITY FOR STATE TANF**
4 **PROGRAMS.**

5 (a) STATE PROGRAMS.—Sections 407(a), 407(e)(1),
6 and 408(a)(7)(A) of the Social Security Act shall have no
7 force or effect during the applicable period, and para-
8 graphs (3), (9), (14), and (15) of section 409(a) of such
9 Act shall not apply with respect to conduct engaged in
10 during the period.

11 (b) TRIBAL PROGRAMS.—The minimum work partici-
12 pation requirements and time limits established under sec-
13 tion 412(c) of the Social Security Act shall have no force
14 or effect during the applicable period, and the penalties
15 established under such section shall not apply with respect
16 to conduct engaged in during the period.

17 (c) PENALTY FOR NONCOMPLIANCE.—

18 (1) IN GENERAL.—If the Secretary of Health
19 and Human Services finds that a State or an Indian
20 tribe has imposed a work requirement as a condition
21 of receiving assistance, or a time limit on the provi-
22 sion of assistance, under a program funded under
23 part A of title IV of the Social Security Act or any
24 program funded with qualified State expenditures
25 (as defined in section 409(a)(7)(B)(i) of such Act)

1 during the applicable period, or has imposed a pen-
2 alty for failure to comply with a work requirement
3 during the period, the Secretary shall reduce the
4 grant payable to the State under section 403(a)(1)
5 of such Act or the grant payable to the tribe under
6 section 412(a)(1) of such Act, as the case may be,
7 for fiscal year 2021 by an amount equal to 5 percent
8 of the State or tribal family assistance grant, as the
9 case may be.

10 (2) APPLICABILITY OF CERTAIN PROVISIONS.—

11 For purposes of section 409(d) of the Social Secu-
12 rity Act, paragraph (1) of this subsection shall be
13 considered to be included in section 409(a) of such
14 Act.

15 (d) DEFINITIONS.—In this section:

16 (1) APPLICABLE PERIOD.—The term “applica-
17 ble period” means the period that begins on March
18 1, 2020, and ends January 31, 2021.

19 (2) WORK REQUIREMENT.—The term “work re-
20 quirement” means a requirement to engage in a
21 work activity (as defined in section 407(d) of the So-
22 cial Security Act) or other work-related activity as
23 defined by a State or tribal program funded under
24 part A of title IV of such Act.

1 (3) OTHER TERMS.—Each other term has the
2 meaning given the term in section 419 of the Social
3 Security Act.

1 **DIVISION K—COVID-19 HERO ACT**

2 **SEC. 110001. SHORT TITLE; TABLE OF CONTENTS.**

3 This division may be cited as the “COVID-19 Hous-
4 ing, Economic Relief, and Oversight Act” or the “COVID-
5 19 HERO Act”.

6 **TITLE I—PROVIDING MEDICAL EQUIPMENT**
7 **FOR FIRST RESPONDERS AND ESSENTIAL**
8 **WORKERS**

9 **SEC. 110101. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**
10 **HANCEMENT.**

11 (a) DETERMINATION ON EMERGENCY SUPPLIES AND
12 RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

13 (1) DETERMINATION.—For the purposes of sec-
14 tion 101 of the Defense Production Act of 1950 (50
15 U.S.C. 4511), the following materials shall be
16 deemed to be scarce and critical materials essential
17 to the national defense and otherwise meet the re-
18 quirements of section 101(b) of such Act during the
19 COVID-19 emergency period:

20 (A) Diagnostic tests, including serological
21 tests, for COVID-19 and the reagents and
22 other materials necessary for producing or con-
23 ducting such tests.

24 (B) Personal protective equipment, includ-
25 ing face shields, N-95 respirator masks, and

1 any other masks determined by the Secretary of
2 Health and Human Services to be needed to re-
3 spond to the COVID–19 pandemic, and the ma-
4 terials to produce such equipment.

5 (C) Medical ventilators, the components
6 necessary to make such ventilators, and medi-
7 cines needed to use a ventilator as a treatment
8 for any individual who is hospitalized for
9 COVID–19.

10 (D) Pharmaceuticals and any medicines
11 determined by the Food and Drug Administra-
12 tion or another Government agency to be effec-
13 tive in treating COVID–19 (including vaccines
14 for COVID–19) and any materials necessary to
15 produce or use such pharmaceuticals or medi-
16 cines (including self-injection syringes or other
17 delivery systems).

18 (E) Any other medical equipment or sup-
19 plies determined by the Secretary of Health and
20 Human Services or the Secretary of Homeland
21 Security to be scarce and critical materials es-
22 sential to the national defense for purposes of
23 section 101 of the Defense Production Act of
24 1950 (50 U.S.C. 4511).

1 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-
2 LATION TO CONTRACTS BY STATE AND LOCAL GOV-
3 ERNMENTS.—In exercising authorities under title I
4 of the Defense Production Act of 1950 (50 U.S.C.
5 4511 et seq.) during the COVID–19 emergency pe-
6 riod, the President (and any officer or employee of
7 the United States to which authorities under such
8 title I have been delegated)—

9 (A) may exercise the prioritization or allo-
10 cation authority provided in such title I to ex-
11 clude any materials described in paragraph (1)
12 ordered by a State or local government that are
13 scheduled to be delivered within 15 days of the
14 time at which—

15 (i) the purchase order or contract by
16 the Federal Government for such materials
17 is made; or

18 (ii) the materials are otherwise allo-
19 cated by the Federal Government under
20 the authorities contained in such Act; and

21 (B) shall, within 24 hours of any exercise
22 of the prioritization or allocation authority pro-
23 vided in such title I—

24 (i) notify any State or local govern-
25 ment if the exercise of such authorities

1 would delay the receipt of such materials
2 ordered by such government; and

3 (ii) take such steps as may be nec-
4 essary to ensure that such materials or-
5 dered by such government are delivered in
6 the shortest possible period.

7 (3) UPDATE TO THE FEDERAL ACQUISITION
8 REGULATION.—Not later than 15 days after the
9 date of the enactment of this Act, the Federal Ac-
10 quisition Regulation shall be revised to reflect the
11 requirements of paragraph (2)(A).

12 (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

13 (1) SENSE OF CONGRESS.—The Congress—

14 (A) appreciates the willingness of private
15 companies not traditionally involved in pro-
16 ducing items for the health sector to volunteer
17 to use their expertise and supply chains to
18 produce essential medical supplies and equip-
19 ment;

20 (B) encourages other manufacturers to re-
21 view their existing capacity and to develop ca-
22 pacity to produce essential medical supplies,
23 medical equipment, and medical treatments to
24 address the COVID–19 emergency; and

1 (C) commends and expresses deep appre-
2 ciation to individual citizens who have been pro-
3 ducing personal protective equipment and other
4 materials for, in particular, use at hospitals in
5 their community.

6 (2) OUTREACH REPRESENTATIVE.—

7 (A) DESIGNATION.—Consistent with the
8 authorities in title VII of the Defense Produc-
9 tion Act of 1950 (50 U.S.C. 4551 et seq.), the
10 Administrator of the Federal Emergency Man-
11 agement Agency, in consultation with the Sec-
12 retary of Health and Human Services, shall
13 designate or shall appoint, pursuant to section
14 703 of such Act (50 U.S.C. 4553), an indi-
15 vidual to be known as the “Outreach Rep-
16 resentative”. Such individual shall—

17 (i) be appointed from among individ-
18 uals with substantial experience in the pri-
19 vate sector in the production of medical
20 supplies or equipment; and

21 (ii) act as the Government-wide single
22 point of contact during the COVID–19
23 emergency for outreach to manufacturing
24 companies and their suppliers who may be
25 interested in producing medical supplies or

1 equipment, including the materials de-
2 scribed under subsection (a).

3 (B) ENCOURAGING PARTNERSHIPS.—The
4 Outreach Representative shall seek to develop
5 partnerships between companies, in coordina-
6 tion with the Supply Chain Stabilization Task
7 Force or any overall coordinator appointed by
8 the President to oversee the response to the
9 COVID–19 emergency, including through the
10 exercise of the authorities under section 708 of
11 the Defense Production Act of 1950 (50 U.S.C.
12 4558).

13 (c) ENHANCEMENT OF SUPPLY CHAIN PRODUC-
14 TION.—In exercising authority under title III of the De-
15 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)
16 with respect to materials described in subsection (a), the
17 President shall seek to ensure that support is provided to
18 companies that comprise the supply chains for reagents,
19 components, raw materials, and other materials and items
20 necessary to produce or use the materials described in sub-
21 section (a).

22 (d) OVERSIGHT OF CURRENT ACTIVITY AND
23 NEEDS.—

24 (1) RESPONSE TO IMMEDIATE NEEDS.—

1 (A) IN GENERAL.—Not later than 7 days
2 after the date of the enactment of this Act, the
3 President, in coordination with the National
4 Response Coordination Center of the Federal
5 Emergency Management Agency, the Adminis-
6 trator of the Defense Logistics Agency, the Sec-
7 retary of Health and Human Services, the Sec-
8 retary of Veterans Affairs, and heads of other
9 Federal agencies (as appropriate), shall submit
10 to the appropriate congressional committees a
11 report assessing the immediate needs described
12 in subparagraph (B) to combat the COVID–19
13 pandemic and the plan for meeting those imme-
14 diate needs.

15 (B) ASSESSMENT.—The report required by
16 this paragraph shall include—

17 (i) an assessment of the needs for
18 medical supplies or equipment necessary to
19 address the needs of the population of the
20 United States infected by the virus SARS–
21 CoV–2 that causes COVID–19 and to pre-
22 vent an increase in the incidence of
23 COVID–19 throughout the United States,
24 including diagnostic tests, serological tests,
25 medicines that have been approved by the

1 Food and Drug Administration to treat
2 COVID–19, and ventilators and medicines
3 needed to employ ventilators;

4 (ii) based on meaningful consultations
5 with relevant stakeholders, an assessment
6 of the need for personal protective equip-
7 ment and other supplies (including diag-
8 nostic tests) required by—

9 (I) health professionals, health
10 workers, and hospital staff;

11 (II) workers in industries and
12 sectors described in the “Advisory
13 Memorandum on Identification of Es-
14 sential Critical Infrastructure Work-
15 ers during the COVID–19 Response”
16 issued by the Director of Cybersecu-
17 rity and Infrastructure Security Agen-
18 cy of the Department of Homeland
19 Security on April 17, 2020 (and any
20 expansion of industries and sectors in-
21 cluded in updates to such advisory
22 memorandum); and

23 (III) other workers determined to
24 be essential based on such consulta-
25 tion;

1 (iii) an assessment of the quantities of
2 equipment and supplies in the Strategic
3 National Stockpile (established under sec-
4 tion 319F-2 of the Public Health Service
5 Act ((42 U.S.C. 247d-6b(a)(1))) as of the
6 date of the report, and the projected gap
7 between the quantities of equipment and
8 supplies identified as needed in the assess-
9 ment under clauses (i) and (ii) and the
10 quantities in the Strategic National Stock-
11 pile;

12 (iv) an identification of the industry
13 sectors and manufacturers most ready to
14 fulfill purchase orders for such equipment
15 and supplies (including manufacturers that
16 may be incentivized) through the exercise
17 of authority under section 303(e) of the
18 Defense Production Act of 1950 (50
19 U.S.C. 4533(e)) to modify, expand, or im-
20 prove production processes to manufacture
21 such equipment and supplies to respond
22 immediately to a need identified in clause
23 (i) or (ii);

24 (v) an identification of Government-
25 owned and privately-owned stockpiles of

1 such equipment and supplies not included
2 in the Strategic National Stockpile that
3 could be repaired or refurbished;

4 (vi) an identification of previously dis-
5 tributed critical supplies that can be redis-
6 tributed based on current need;

7 (vii) a description of any exercise of
8 the authorities described under paragraph
9 (1)(E) or (2)(A) of subsection (a); and

10 (viii) an identification of critical areas
11 of need, by county and by areas identified
12 by the Indian Health Service, in the
13 United States and the metrics and criteria
14 for identification as a critical area.

15 (C) PLAN.—The report required by this
16 paragraph shall include a plan for meeting the
17 immediate needs to combat the COVID–19 pan-
18 demic, including the needs described in sub-
19 paragraph (B). Such plan shall include—

20 (i) each contract the Federal Govern-
21 ment has entered into to meet such needs,
22 including the purpose of each contract, the
23 type and amount of equipment, supplies, or
24 services to be provided under the contract,

1 the entity performing such contract, and
2 the dollar amount of each contract;

3 (ii) each contract that the Federal
4 Government intends to enter into within
5 14 days after submission of such report,
6 including the information described in sub-
7 paragraph (B) for each such contract; and

8 (iii) whether any of the contracts de-
9 scribed in clause (i) or (ii) have or will
10 have a priority rating under the Defense
11 Production Act of 1950 (50 U.S.C. 4501
12 et seq.), including purchase orders pursu-
13 ant to Department of Defense Directive
14 4400.1 (or any successor directive), sub-
15 part A of part 101 of title 45, Code of
16 Federal Regulations, or any other applica-
17 ble authority.

18 (D) ADDITIONAL REQUIREMENTS.—The
19 report required by this paragraph, and each up-
20 date required by subparagraph (E), shall in-
21 clude—

22 (i) any requests for equipment and
23 supplies from State or local governments
24 and Indian Tribes, and an accompanying

1 list of the employers and unions consulted
2 in developing these requests;

3 (ii) any modeling or formulas used to
4 determine allocation of equipment and sup-
5 plies, and any related chain of command
6 issues on making final decisions on alloca-
7 tions;

8 (iii) the amount and destination of
9 equipment and supplies delivered;

10 (iv) an explanation of why any portion
11 of any contract, whether to replenish the
12 Strategic National Stockpile or otherwise,
13 will not be filled;

14 (v) of products procured under this
15 section, the percentage of such products
16 that are used to replenish the Strategic
17 National Stockpile, that are targeted to
18 COVID–19 hotspots, and that are used for
19 the commercial market;

20 (vi) metrics, formulas, and criteria
21 used to determine COVID–19 hotspots or
22 areas of critical need for a State, county,
23 or an area identified by the Indian Health
24 Service;

1 (vii) production and procurement
2 benchmarks, where practicable; and

3 (viii) results of the consultation with
4 the relevant stakeholders required by sub-
5 paragraph (B)(ii).

6 (E) UPDATES.—The President, in coordi-
7 nation with the National Response Coordination
8 Center of the Federal Emergency Management
9 Agency, the Administrator of the Defense Lo-
10 gistics Agency, the Secretary of Health and
11 Human Services, the Secretary of Veterans Af-
12 fairs, and heads of other Federal agencies (as
13 appropriate), shall update such report every 14
14 days.

15 (F) PUBLIC AVAILABILITY.—The President
16 shall make the report required by this para-
17 graph and each update required by subpara-
18 graph (E) available to the public, including on
19 a Government website.

20 (2) RESPONSE TO LONGER-TERM NEEDS.—

21 (A) IN GENERAL.—Not later than 14 days
22 after the date of enactment of this Act, the
23 President, in coordination with the National
24 Response Coordination Center of the Federal
25 Emergency Management Agency, the Adminis-

1 trator of the Defense Logistics Agency, the Sec-
2 retary of Health and Human Services, the Sec-
3 retary of Veterans Affairs, and heads of other
4 Federal agencies (as appropriate), shall submit
5 to the appropriate congressional committees a
6 report containing an assessment of the needs
7 described in subparagraph (B) to combat the
8 COVID–19 pandemic and the plan for meeting
9 such needs during the 6-month period begin-
10 ning on the date of submission of the report.

11 (B) ASSESSMENT.—The report required by
12 this paragraph shall include—

13 (i) an assessment of the elements de-
14 scribe in clauses (i) through (v) and clause
15 (viii) of paragraph (1)(B); and

16 (ii) an assessment of needs related to
17 COVID–19 vaccines and any additional
18 services to address the COVID–19 pan-
19 demic, including services related to health
20 surveillance to ensure that the appropriate
21 level of contact tracing related to detected
22 infections is available throughout the
23 United States.

24 (C) PLAN.—The report required by this
25 paragraph shall include a plan for meeting the

1 longer-term needs to combat the COVID-19
2 pandemic, including the needs described in sub-
3 paragraph (B). This plan shall include—

4 (i) a plan to exercise authorities under
5 the Defense Production Act of 1950 (50
6 U.S.C. 4501 et seq.) necessary to increase
7 the production of the medical equipment,
8 supplies, and services that are essential to
9 meeting the needs identified in subpara-
10 graph (B), including the number of N-95
11 respirator masks and other personal pro-
12 tective equipment needed, based on mean-
13 ingful consultations with relevant stake-
14 holders, by the private sector to resume
15 economic activity and by the public and
16 nonprofit sectors to significantly increase
17 their activities;

18 (ii) results of the consultations with
19 the relevant stakeholders required by
20 clause (i)(II);

21 (iii) an estimate of the funding and
22 other measures necessary to rapidly ex-
23 pand manufacturing production capacity
24 for such equipment and supplies, includ-
25 ing—

1 (I) any efforts to expand, retool,
2 or reconfigure production lines;

3 (II) any efforts to establish new
4 production lines through the purchase
5 and installation of new equipment; or

6 (III) the issuance of additional
7 contracts, purchase orders, purchase
8 guarantees, or other similar measures;

9 (iv) each contract the Federal Govern-
10 ment has entered into to meet such needs
11 or expand such production, the purpose of
12 each contract, the type and amount of
13 equipment, supplies, or services to be pro-
14 vided under the contract, the entity per-
15 forming such contract, and the dollar
16 amount of each contract;

17 (v) each contract that the Federal
18 Government intends to enter into within
19 14 days after submission of such report,
20 including the information described in
21 clause (iv) for each such contract;

22 (vi) whether any of the contracts de-
23 scribed in clause (iv) or (v) have or will
24 have a priority rating under the Defense
25 Production Act of 1950 (50 U.S.C. 4501

1 et seq.), including purchase orders pursu-
2 ant to Department of Defense Directive
3 4400.1 (or any successor directive), sub-
4 part A of part 101 of title 45, Code of
5 Federal Regulations, or any other applica-
6 ble authority; and

7 (vii) the manner in which the Defense
8 Production Act of 1950 (50 U.S.C. 4501
9 et seq.) could be used to increase services
10 necessary to combat the COVID-19 pan-
11 demic, including services described in sub-
12 paragraph (B)(ii).

13 (D) UPDATES.—The President, in coordi-
14 nation with the National Response Coordination
15 Center of the Federal Emergency Management
16 Agency, the Administrator of the Defense Lo-
17 gistics Agency, the Secretary of Health and
18 Human Services, the Secretary of Veterans Af-
19 fairs, and heads of other Federal agencies (as
20 appropriate), shall update such report every 14
21 days.

22 (E) PUBLIC AVAILABILITY.—The Presi-
23 dent shall make the report required by this sub-
24 section and each update required by subpara-

1 graph (D) available to the public, including on
2 a Government website.

3 (3) REPORT ON EXERCISING AUTHORITIES
4 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

5 (A) IN GENERAL.—Not later than 14 days
6 after the date of the enactment of this Act, the
7 President, in consultation with the Adminis-
8 trator of the Federal Emergency Management
9 Agency, the Secretary of Defense, and the Sec-
10 retary of Health and Human Services, shall
11 submit to the appropriate congressional com-
12 mittees a report on the exercise of authorities
13 under titles I, III, and VII of the Defense Pro-
14 duction Act of 1950 (50 U.S.C. 4501 et seq.)
15 prior to the date of such report.

16 (B) CONTENTS.—The report required
17 under subparagraph (A) and each update re-
18 quired under subparagraph (C) shall include,
19 with respect to each exercise of such author-
20 ity—

21 (i) an explanation of the purpose of
22 the applicable contract, purchase order, or
23 other exercise of authority (including an
24 allocation of materials, services, and facili-
25 ties under section 101(a)(2) of the Defense

1 Production Act of 1950 (50 U.S.C.
2 4511(a)(2));

3 (ii) the cost of such exercise of au-
4 thority; and

5 (iii) if applicable—

6 (I) the amount of goods that
7 were purchased or allocated;

8 (II) an identification of the entity
9 awarded a contract or purchase order
10 or that was the subject of the exercise
11 of authority; and

12 (III) an identification of any en-
13 tity that had shipments delayed by the
14 exercise of any authority under the
15 Defense Production Act of 1950 (50
16 U.S.C. 4501 et seq.).

17 (C) UPDATES.—The President shall up-
18 date the report required under subparagraph
19 (A) every 14 days.

20 (D) PUBLIC AVAILABILITY.—The Presi-
21 dent shall make the report required by this sub-
22 section and each update required by subpara-
23 graph (C) available to the public, including on
24 a Government website.

1 (4) QUARTERLY REPORTING.—The President
2 shall submit to Congress, and make available to the
3 public (including on a Government website), a quar-
4 terly report detailing all expenditures made pursuant
5 to titles I, III, and VII of the Defense Production
6 Act of 1950 (50 U.S.C. 4501 et seq.).

7 (5) SUNSET.—The requirements of this sub-
8 section shall terminate on the later of—

9 (A) December 31, 2021; or

10 (B) the end of the COVID–19 emergency
11 period.

12 (e) ENHANCEMENTS TO THE DEFENSE PRODUCTION
13 ACT OF 1950.—

14 (1) HEALTH EMERGENCY AUTHORITY.—Section
15 107 of the Defense Production Act of 1950 (50
16 U.S.C. 4517) is amended by adding at the end the
17 following:

18 “(c) HEALTH EMERGENCY AUTHORITY.—With re-
19 spect to a public health emergency declaration by the Sec-
20 retary of Health and Human Services under section 319
21 of the Public Health Service Act, or preparations for such
22 a health emergency, the Secretary of Health and Human
23 Services and the Administrator of the Federal Emergency
24 Management Agency are authorized to carry out the au-

1 thortities provided under this section to the same extent
2 as the President.”.

3 (2) EMPHASIS ON BUSINESS CONCERNS OWNED
4 BY WOMEN, MINORITIES, VETERANS, AND NATIVE
5 AMERICANS.—Section 108 of the Defense Produc-
6 tion Act of 1950 (50 U.S.C. 4518) is amended—

7 (A) in the heading, by striking “**MOD-**
8 **ERNIZATION OF SMALL BUSINESS SUP-**
9 **PLIERS**” and inserting “**SMALL BUSINESS**
10 **PARTICIPATION AND FAIR INCLUSION**”;

11 (B) by amending subsection (a) to read as
12 follows:

13 “(a) PARTICIPATION AND INCLUSION.—

14 “(1) IN GENERAL.—In providing any assistance
15 under this Act, the President shall accord a strong
16 preference for subcontractors and suppliers that
17 are—

18 “(A) small business concerns; or

19 “(B) businesses of any size owned by
20 women, minorities, veterans, and the disabled.

21 “(2) SPECIAL CONSIDERATION.—To the max-
22 imum extent practicable, the President shall accord
23 the preference described under paragraph (1) to
24 small business concerns and businesses described in
25 paragraph (1)(B) that are located in areas of high

1 unemployment or areas that have demonstrated a
2 continuing pattern of economic decline, as identified
3 by the Secretary of Labor.”; and

4 (C) by adding at the end the following:

5 “(c) MINORITY DEFINED.—In this section, the term
6 ‘minority’—

7 “(1) has the meaning given the term in section
8 308(b) of the Financial Institutions Reform, Recov-
9 ery, and Enforcement Act of 1989; and

10 “(2) includes any indigenous person in the
11 United States, including any territories of the
12 United States.”.

13 (3) ADDITIONAL INFORMATION IN ANNUAL RE-
14 PORT.—Section 304(f)(3) of the Defense Production
15 Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by
16 striking “year.” and inserting “year, including the
17 percentage of contracts awarded using Fund
18 amounts to each of the groups described in section
19 108(a)(1)(B) (and, with respect to minorities,
20 disaggregated by ethnic group), and the percentage
21 of the total amount expended during such fiscal year
22 on such contracts.”.

23 (4) DEFINITION OF NATIONAL DEFENSE.—Sec-
24 tion 702(14) of the Defense Production Act of 1950
25 is amended by striking “and critical infrastructure

1 protection and restoration” and inserting “, critical
2 infrastructure protection and restoration, and health
3 emergency preparedness and response activities”.

4 (f) SECURING ESSENTIAL MEDICAL MATERIALS.—

5 (1) STATEMENT OF POLICY.—Section 2(b) of
6 the Defense Production Act of 1950 (50 U.S.C.
7 4502) is amended—

8 (A) by redesignating paragraphs (3)
9 through (8) as paragraphs (4) through (9), re-
10 spectively; and

11 (B) by inserting after paragraph (2) the
12 following:

13 “(3) authorities under this Act should be used
14 when appropriate to ensure the availability of med-
15 ical materials essential to national defense, including
16 through measures designed to secure the drug sup-
17 ply chain, and taking into consideration the impor-
18 tance of United States competitiveness, scientific
19 leadership and cooperation, and innovative capac-
20 ity;”.

21 (2) STRENGTHENING DOMESTIC CAPABILITY.—
22 Section 107 of the Defense Production Act of 1950
23 (50 U.S.C. 4517) is amended—

1 (A) in subsection (a), by inserting “(in-
2 cluding medical materials)” after “materials”;
3 and

4 (B) in subsection (b)(1), by inserting “(in-
5 cluding medical materials such as drugs to di-
6 agnose, cure, mitigate, treat, or prevent disease
7 that essential to national defense)” after “es-
8 sential materials”.

9 (3) STRATEGY ON SECURING SUPPLY CHAINS
10 FOR MEDICAL ARTICLES.—Title I of the Defense
11 Production Act of 1950 (50 U.S.C. 4511 et seq.) is
12 amended by adding at the end the following:

13 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
14 **MEDICAL MATERIALS.**

15 “(a) IN GENERAL.—Not later than 180 days after
16 the date of the enactment of this section, the President,
17 in consultation with the Secretary of Health and Human
18 Services, the Secretary of Commerce, the Secretary of
19 Homeland Security, and the Secretary of Defense, shall
20 transmit a strategy to the appropriate Members of Con-
21 gress that includes the following:

22 “(1) A detailed plan to use the authorities
23 under this title and title III, or any other provision
24 of law, to ensure the supply of medical materials (in-
25 cluding drugs to diagnose, cure, mitigate, treat, or

1 prevent disease) essential to national defense, to the
2 extent necessary for the purposes of this Act.

3 “(2) An analysis of vulnerabilities to existing
4 supply chains for such medical articles, and rec-
5 ommendations to address the vulnerabilities.

6 “(3) Measures to be undertaken by the Presi-
7 dent to diversify such supply chains, as appropriate
8 and as required for national defense; and

9 “(4) A discussion of—

10 “(A) any significant effects resulting from
11 the plan and measures described in this sub-
12 section on the production, cost, or distribution
13 of vaccines or any other drugs (as defined
14 under section 201 of the Federal Food, Drug,
15 and Cosmetic Act (21 U.S.C. 321));

16 “(B) a timeline to ensure that essential
17 components of the supply chain for medical ma-
18 terials are not under the exclusive control of a
19 foreign government in a manner that the Presi-
20 dent determines could threaten the national de-
21 fense of the United States; and

22 “(C) efforts to mitigate any risks resulting
23 from the plan and measures described in this
24 subsection to United States competitiveness,
25 scientific leadership, and innovative capacity,

1 including efforts to cooperate and proactively
2 engage with United States allies.

3 “(b) PROGRESS REPORT.—Following submission of
4 the strategy under subsection (a), the President shall sub-
5 mit to the appropriate Members of Congress an annual
6 progress report evaluating the implementation of the
7 strategy, and may include updates to the strategy as ap-
8 propriate. The strategy and progress reports shall be sub-
9 mitted in unclassified form but may contain a classified
10 annex.

11 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
12 term ‘appropriate Members of Congress’ means the
13 Speaker, majority leader, and minority leader of the
14 House of Representatives, the majority leader and minor-
15 ity leader of the Senate, the Chairman and Ranking Mem-
16 ber of the Committees on Armed Services and Financial
17 Services of the House of Representatives, and the Chair-
18 man and Ranking Member of the Committees on Armed
19 Services and Banking, Housing, and Urban Affairs of the
20 Senate.”.

21 (g) GAO REPORT.—

22 (1) IN GENERAL.—Not later than 270 days
23 after the date of the enactment of this Act, and an-
24 nually thereafter, the Comptroller General of the
25 United States shall submit to the appropriate con-

1 gressional committees a report on ensuring that the
2 United States Government has access to the medical
3 supplies and equipment necessary to respond to fu-
4 ture pandemics and public health emergencies, in-
5 cluding recommendations with respect to how to en-
6 sure that the United States supply chain for diag-
7 nostic tests (including serological tests), personal
8 protective equipment, vaccines, and therapies is bet-
9 ter equipped to respond to emergencies, including
10 through the use of funds in the Defense Production
11 Act Fund under section 304 of the Defense Produc-
12 tion Act of 1950 (50 U.S.C. 4534) to address short-
13 ages in that supply chain.

14 (2) REVIEW OF ASSESSMENT AND PLAN.—

15 (A) IN GENERAL.—Not later than 30 days
16 after each of the submission of the reports de-
17 scribed in paragraphs (1) and (2) of subsection
18 (d), the Comptroller General of the United
19 States shall submit to the appropriate congress-
20 sional committees an assessment of such re-
21 ports, including identifying any gaps and pro-
22 viding any recommendations regarding the sub-
23 ject matter in such reports.

24 (B) MONTHLY REVIEW.—Not later than a
25 month after the submission of the assessment

1 under subparagraph (A), and monthly there-
2 after, the Comptroller General shall issue a re-
3 port to the appropriate congressional commit-
4 tees with respect to any updates to the reports
5 described in paragraph (1) and (2) of sub-
6 section (d) that were issued during the previous
7 1-month period, containing an assessment of
8 such updates, including identifying any gaps
9 and providing any recommendations regarding
10 the subject matter in such updates.

11 (h) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means the Committees on Appropriations,
15 Armed Services, Energy and Commerce, Financial
16 Services, Homeland Security, and Veterans’ Affairs
17 of the House of Representatives and the Committees
18 on Appropriations, Armed Services, Banking, Hous-
19 ing, and Urban Affairs, Health, Education, Labor,
20 and Pensions, Homeland Security and Governmental
21 Affairs, and Veterans’ Affairs of the Senate.

22 (2) COVID–19 EMERGENCY PERIOD.—The
23 term “COVID–19 emergency period” means the pe-
24 riod beginning on the date of enactment of this Act
25 and ending after the end of the incident period for

1 the emergency declared on March 13, 2020, by the
2 President under Section 501 of the Robert T. Staf-
3 ford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 4121 et seq.) relating to the Coronavirus
5 Disease 2019 (COVID–19) pandemic.

6 (3) RELEVANT STAKEHOLDER.—The term “rel-
7 evant stakeholder” means—

8 (A) representative private sector entities;

9 (B) representatives of the nonprofit sector;

10 and

11 (C) representatives of labor organizations
12 representing workers, including unions that rep-
13 resent health workers, manufacturers, public
14 sector employees, and service sector workers.

15 (4) STATE.—The term “State” means each of
16 the several States, the District of Columbia, the
17 Commonwealth of Puerto Rico, and any territory or
18 possession of the United States.

19 TITLE II—PROTECTING RENTERS AND HOME-
20 OWNERS FROM EVICTIONS AND FORE-
21 CLOSURES

22 **SEC. 110201. EMERGENCY RENTAL ASSISTANCE.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Housing
25 and Urban Development (referred to in this section as the

1 “Secretary”) \$100,000,000,000 for an additional amount
2 for grants under the Emergency Solutions Grants pro-
3 gram under subtitle B of title IV of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11371 et seq.), to
5 remain available until expended (subject to subsections (d)
6 and (n) of this section), to be used for providing short-
7 or medium-term assistance with rent and rent-related
8 costs (including tenant-paid utility costs, utility- and rent-
9 arrears, fees charged for those arrears, and security and
10 utility deposits) in accordance with paragraphs (4) and (5)
11 of section 415(a) of such Act (42 U.S.C. 11374(a)) and
12 this section.

13 (b) DEFINITION OF AT RISK OF HOMELESSNESS.—
14 Notwithstanding section 401(1) of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11360(1)), for pur-
16 poses of assistance made available with amounts made
17 available pursuant to subsection (a), the term “at risk of
18 homelessness” means, with respect to an individual or
19 family, that the individual or family—

20 (1) has an income below 80 percent of the me-
21 dian income for the area as determined by the Sec-
22 retary; and

23 (2) has an inability to attain or maintain hous-
24 ing stability or has insufficient resources to pay for
25 rent or utilities due to financial hardships.

1 (c) INCOME TARGETING AND CALCULATION.—For
2 purposes of assistance made available with amounts made
3 available pursuant to subsection (a)—

4 (1) each recipient of such amounts shall use—

5 (A) not less than 40 percent of the
6 amounts received only for providing assistance
7 for individuals or families experiencing home-
8 lessness, or for persons or families at risk of
9 homelessness who have incomes not exceeding
10 30 percent of the median income for the area
11 as determined by the Secretary;

12 (B) not less than 70 percent of the
13 amounts received only for providing assistance
14 for individuals or families experiencing home-
15 lessness, or for persons or families at risk of
16 homelessness who have incomes not exceeding
17 50 percent of the median income for the area
18 as determined by the Secretary; and

19 (C) the remainder of the amounts received
20 only for providing assistance to individuals or
21 families experiencing homelessness, or for per-
22 sons or families at risk of homelessness who
23 have incomes not exceeding 80 percent of the
24 median income for the area as determined by
25 the Secretary, but such recipient may establish

1 a higher percentage limit for purposes of sub-
2 section (b)(1), which shall not in any case ex-
3 ceed 120 percent of the area median income, if
4 the recipient states that it will serve such popu-
5 lation in its plan; and

6 (2) in determining the income of a household
7 for homelessness prevention assistance—

8 (A) the calculation of income performed at
9 the time of application for such assistance, in-
10 cluding arrearages, shall consider only income
11 that the household is currently receiving at such
12 time and any income recently terminated shall
13 not be included;

14 (B) any calculation of income performed
15 with respect to households receiving ongoing as-
16 sistance (such as medium-term rental assist-
17 ance) 3 months after initial receipt of assist-
18 ance shall consider only the income that the
19 household is receiving at the time of such re-
20 view; and

21 (C) the calculation of income performed
22 with respect to households receiving assistance
23 for arrearages shall consider only the income
24 that the household was receiving at the time
25 such arrearages were incurred.

1 (d) 3-YEAR AVAILABILITY.—

2 (1) IN GENERAL.—Each recipient of amounts
3 made available pursuant to subsection (a) shall—

4 (A) expend not less than 60 percent of
5 such grant amounts within 2 years of the date
6 that such funds became available to the recipi-
7 ent for obligation; and

8 (B) expend 100 percent of such grant
9 amounts within 3 years of such date.

10 (2) REALLOCATION AFTER 2 YEARS.—The Sec-
11 retary may recapture any amounts not expended in
12 compliance with paragraph (1)(A) and reallocate
13 such amounts to recipients in compliance with the
14 formula referred to in subsection (h)(1)(A).

15 (e) RENT RESTRICTIONS.—

16 (1) INAPPLICABILITY.—Section 576.106(d) of
17 title 24, Code of Federal Regulations, shall not
18 apply with respect to homelessness prevention assist-
19 ance made available with amounts made available
20 under subsection (a).

21 (2) AMOUNT OF RENTAL ASSISTANCE.—In pro-
22 viding homelessness prevention assistance with
23 amounts made available under subsection (a), the
24 maximum amount of rental assistance that may be
25 provided shall be the greater of—

1 (A) 120 percent of the higher of—

2 (i) the Fair Market Rent established
3 by the Secretary for the metropolitan area
4 or county; or

5 (ii) the applicable Small Area Fair
6 Market Rent established by the Secretary;
7 or

8 (B) such higher amount as the Secretary
9 shall determine is needed to cover market rents
10 in the area.

11 (f) SUBLEASES.—A recipient shall not be prohibited
12 from providing assistance authorized under subsection (a)
13 with respect to subleases that are valid under State law.

14 (g) HOUSING RELOCATION OR STABILIZATION AC-
15 TIVITIES.—A recipient of amounts made available pursu-
16 ant to subsection (a) may expend up to 25 percent of its
17 allocation for activities under section 415(a)(5) of the
18 McKinney-Vento Homeless Assistance Act (42 U.S.C.
19 11374(a)(5)), except that notwithstanding such section,
20 activities authorized under this subsection may be pro-
21 vided only for individuals or families who have incomes
22 not exceeding 50 percent of the area median income and
23 meet the criteria in subsection (b)(2) of this section or
24 section 103 of the McKinney-Vento Homeless Assistance
25 Act (42 U.S.C. 11302). This subsection shall not apply

1 to rent-related costs that are specifically authorized under
2 subsection (a) of this section.

3 (h) ALLOCATION OF ASSISTANCE.—

4 (1) IN GENERAL.—In allocating amounts made
5 available pursuant to subsection (a), the Secretary
6 shall—

7 (A)(i) for any purpose authorized in this
8 section—

9 (I) allocate 2 percent of such amount
10 for Indian tribes and tribally designated
11 housing entities (as such terms are defined
12 in section 4 of the Native American Hous-
13 ing Assistance and Self-Determination Act
14 of 1996 (25 U.S.C. 4103)) under the for-
15 mula established pursuant to section 302
16 of such Act (25 U.S.C. 4152), except that
17 0.3 percent of the amount allocated under
18 this clause shall be allocated for the De-
19 partment of Hawaiian Home Lands; and

20 (II) allocate 0.3 percent of such
21 amount for the Virgin Islands, Guam,
22 American Samoa, and the Northern Mar-
23 iana Islands;

24 (ii) not later than 30 days after the date
25 of enactment of this Act, obligate and disburse

1 the amounts allocated pursuant to clause (i) in
2 accordance with such allocations and provide
3 such recipient with any necessary guidance for
4 use of the funds; and

5 (B)(i) not later than 7 days after the date
6 of enactment of this Act and after setting aside
7 amounts under subparagraph (A), allocate 50
8 percent of any such remaining amounts under
9 the formula specified in subsections (a), (b),
10 and (e) of section 414 of the McKinney-Vento
11 Homeless Assistance Act (42 U.S.C. 11373)
12 for, and notify, each State, metropolitan city,
13 and urban county that is to receive a direct
14 grant of such amounts; and

15 (ii) not later than 30 days after the date
16 of enactment of this Act, obligate and disburse
17 the amounts allocated pursuant to clause (i) in
18 accordance with such allocations and provide
19 such recipient with any necessary guidance for
20 use of the funds; and

21 (C)(i) not later than 45 days after the date
22 of enactment of this Act, allocate any remaining
23 amounts for eligible recipients according to a
24 formula to be developed by the Secretary that
25 takes into consideration the formula referred to

1 in subparagraph (A) and the need for emer-
2 gency rental assistance under this section, in-
3 cluding the severe housing cost burden among
4 extremely low- and very low-income renters and
5 disruptions in housing and economic conditions,
6 including unemployment; and

7 (ii) not later than 30 days after the date
8 of the allocation of such amounts pursuant to
9 clause (i), obligate and disburse such amounts
10 in accordance with such allocations.

11 (2) ALLOCATIONS TO STATES.—

12 (A) IN GENERAL.—Notwithstanding sub-
13 section (a) of section 414 of the McKinney-
14 Vento Homeless Assistance Act (42 U.S.C.
15 11373(a)) and section 576.202(a) of title 24,
16 Code of Federal Regulations, a State recipient
17 of an allocation under this section may elect to
18 use up to 100 percent of its allocation to carry
19 out activities eligible under this section directly.

20 (B) REQUIREMENT.—Any State recipient
21 making an election described in subparagraph
22 (A) shall serve households throughout the entire
23 State, including households in rural commu-
24 nities and small towns.

1 (3) ELECTION NOT TO ADMINISTER.—If a re-
2 recipient other than a State elects not to receive funds
3 under this section, such funds shall be allocated to
4 the State recipient in which the recipient is located.

5 (4) PARTNERSHIPS, SUBGRANTS, AND CON-
6 TRACTS.—A recipient of a grant under this section
7 may distribute funds through partnerships, sub-
8 grants, or contracts with an entity, such as a public
9 housing agency (as such term is defined in section
10 3(b) of the United States Housing Act of 1937 (42
11 U.S.C. 1437a(b))), that is capable of carrying activi-
12 ties under this section.

13 (5) REVISION TO RULE.—The Secretary shall
14 revise section 576.3 of title 24, Code of Federal Reg-
15 ulations, to change the set aside for allocation to the
16 territories to exactly 0.3 percent.

17 (i) INAPPLICABILITY OF MATCHING REQUIRE-
18 MENT.—Subsection (a) of section 416 of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
20 shall not apply to any amounts made available pursuant
21 to subsection (a) of this section.

22 (j) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—
23 Amounts made available pursuant to subsection (a) may
24 be used by a recipient to reimburse expenditures incurred

1 for eligible activities under this section after March 27,
2 2020.

3 (k) PROHIBITION ON PREREQUISITES.—None of the
4 funds made available pursuant to this section may be used
5 to require any individual receiving assistance under the
6 program under this section to receive treatment or per-
7 form any other prerequisite activities as a condition for
8 receiving shelter, housing, or other services.

9 (l) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

10 (1) IN GENERAL.—

11 (A) AUTHORITY.—In administering the
12 amounts made available pursuant to subsection
13 (a), the Secretary may waive, or specify alter-
14 native requirements for, any provision of any
15 statute or regulation that the Secretary admin-
16 isters in connection with the obligation by the
17 Secretary or the use by the recipient of such
18 amounts (except for requirements related to fair
19 housing, nondiscrimination, labor standards,
20 prohibition on prerequisites, minimum data re-
21 porting, and the environment), if the Secretary
22 finds that good cause exists for the waiver or
23 alternative requirement and such waiver or al-
24 ternative requirement is necessary to expedite
25 the use of funds made available pursuant to

1 this section, to respond to public health orders
2 or conditions related to the COVID-19 emer-
3 gency, or to ensure that eligible individuals can
4 attain or maintain housing stability.

5 (B) PUBLIC NOTICE.—The Secretary shall
6 notify the public through the Federal Register
7 or other appropriate means of any waiver or al-
8 ternative requirement under this paragraph,
9 and that such public notice shall be provided, at
10 a minimum, on the internet at the appropriate
11 Government website or through other electronic
12 media, as determined by the Secretary.

13 (C) ELIGIBILITY REQUIREMENTS.—Eligi-
14 bility for rental assistance or housing relocation
15 and stabilization services shall not be restricted
16 based upon the prior receipt of assistance under
17 the program during the preceding three years.

18 (2) PUBLIC HEARINGS.—

19 (A) INAPPLICABILITY OF IN-PERSON HEAR-
20 ING REQUIREMENTS DURING THE COVID-19
21 EMERGENCY.—

22 (i) IN GENERAL.—A recipient under
23 this section shall not be required to hold
24 in-person public hearings in connection
25 with its citizen participation plan, but shall

1 provide citizens with notice, including pub-
2 lication of its plan for carrying out this
3 section on the internet, and a reasonable
4 opportunity to comment of not less than 5
5 days.

6 (ii) RESUMPTION OF IN-PERSON
7 HEARING REQUIREMENTS.—After the pe-
8 riod beginning on the date of enactment of
9 this Act and ending on the date of the ter-
10 mination by the Federal Emergency Man-
11 agement Agency of the emergency declared
12 on March 13, 2020, by the President
13 under the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act (42
15 U.S.C. 4121 et seq.) relating to the
16 Coronavirus Disease 2019 (COVID-19)
17 pandemic, and after the period described
18 in subparagraph (B), the Secretary shall
19 direct recipients under this section to re-
20 sume pre-crisis public hearing require-
21 ments.

22 (B) VIRTUAL PUBLIC HEARINGS.—

23 (i) IN GENERAL.—During the period
24 that national or local health authorities
25 recommend social distancing and limiting

1 public gatherings for public health reasons,
2 a recipient may fulfill applicable public
3 hearing requirements for all grants from
4 funds made available pursuant to this sec-
5 tion by carrying out virtual public hear-
6 ings.

7 (ii) REQUIREMENTS.—Any virtual
8 hearings held under clause (i) by a recipi-
9 ent under this section shall provide reason-
10 able notification and access for citizens in
11 accordance with the recipient's certifi-
12 cations, timely responses from local offi-
13 cials to all citizen questions and issues,
14 and public access to all questions and re-
15 sponses.

16 (m) CONSULTATION.—In addition to any other citi-
17 izen participation and consultation requirements, in devel-
18 oping and implementing a plan to carry out this section,
19 each recipient of funds made available pursuant to this
20 section shall consult with the applicable Continuum or
21 Continuums of Care for the area served by the recipient
22 and organizations representing underserved communities
23 and populations and organizations with expertise in af-
24 fordable housing, fair housing, and services for people with
25 disabilities.

1 (n) ADMINISTRATION.—

2 (1) BY SECRETARY.—Of any amounts made
3 available pursuant to subsection (a)—

4 (A) not more than the lesser of 0.5 per-
5 cent, or \$15,000,000, may be used by the Sec-
6 retary for staffing, training, technical assist-
7 ance, technology, monitoring, research, and
8 evaluation activities necessary to carry out the
9 program carried out under this section, and
10 such amounts shall remain available until Sep-
11 tember 30, 2024; and

12 (B) not more than \$2,000,000 shall be
13 available to the Office of the Inspector General
14 for audits and investigations of the program au-
15 thorized under this section.

16 (2) BY RECIPIENTS.—Notwithstanding section
17 576.108 of title 24 of the Code of Federal Regula-
18 tions, with respect to amounts made available pursu-
19 ant to this section, a recipient may use up to 10 per-
20 cent of the recipient's grant for payment of adminis-
21 trative costs related to the planning and execution of
22 activities.

23 **SEC. 110202. HOMEOWNER ASSISTANCE FUND.**

24 (a) DEFINITIONS.—In this section:

1 (1) FUND.—The term “Fund” means the
2 Homeowner Assistance Fund established under sub-
3 section (b).

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Treasury.

6 (3) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 any territory of the United States, Puerto Rico,
9 Guam, American Samoa, the Virgin Islands, and the
10 Northern Mariana Islands.

11 (b) ESTABLISHMENT OF FUND.—There is estab-
12 lished at the Department of the Treasury a Homeowner
13 Assistance Fund to provide such funds as are made avail-
14 able under subsection (g) to State housing finance agen-
15 cies for the purpose of preventing homeowner mortgage
16 defaults, foreclosures, and displacements of individuals
17 and families experiencing financial hardship after January
18 21, 2020.

19 (c) ALLOCATION OF FUNDS.—

20 (1) ADMINISTRATION.—Of any amounts made
21 available for the Fund, the Secretary of the Treas-
22 ury may allocate, in the aggregate, an amount not
23 exceeding 5 percent—

24 (A) to the Office of Financial Stability es-
25 tablished under section 101(a) of the Emer-

1 agency Economic Stabilization Act of 2008 (12
2 U.S.C. 5211(a)) to administer and oversee the
3 Fund, and to provide technical assistance to
4 States for the creation and implementation of
5 State programs to administer assistance from
6 the Fund; and

7 (B) to the Inspector General of the De-
8 partment of the Treasury for oversight of the
9 program under this section.

10 (2) FOR STATES.—The Secretary shall establish
11 such criteria as are necessary to allocate the funds
12 available within the Fund for each State. The Sec-
13 retary shall allocate such funds among all States
14 taking into consideration the number of unemploy-
15 ment claims within a State relative to the nationwide
16 number of unemployment claims.

17 (3) SMALL STATE MINIMUM.—The amount allo-
18 cated for each State shall not be less than
19 \$250,000,000.

20 (4) SET-ASIDE FOR INSULAR AREAS.—Notwith-
21 standing any other provision of this section, of the
22 amounts appropriated under subsection (g), the Sec-
23 retary shall reserve \$200,000,000 to be disbursed to
24 Guam, American Samoa, the Virgin Islands, and the
25 Northern Mariana Islands based on each such terri-

1 tory's share of the combined total population of all
2 such territories, as determined by the Secretary. For
3 the purposes of this paragraph, population shall be
4 determined based on the most recent year for which
5 data are available from the United States Census
6 Bureau.

7 (5) SET-ASIDE FOR INDIAN TRIBES AND NATIVE
8 HAWAIIANS.—

9 (A) INDIAN TRIBES.—Notwithstanding any
10 other provision of this section, of the amounts
11 appropriated under subsection (g), the Sec-
12 retary shall use 5 percent to make grants in ac-
13 cordance with subsection (f) to eligible recipi-
14 ents for the purposes described in subsection
15 (e)(1).

16 (B) NATIVE HAWAIIANS.— Of the funds
17 set aside under subparagraph (A), the Sec-
18 retary shall use 0.3 percent to make grants to
19 the Department of Hawaiian Home Lands in
20 accordance with subsection (f) for the purposes
21 described in subsection (e)(1).

22 (d) DISBURSEMENT OF FUNDS.—

23 (1) ADMINISTRATION.—Except for amounts
24 made available for assistance under subsection (f),
25 State housing finance agencies shall be primarily re-

1 sponsible for administering amounts disbursed from
2 the Fund, but may delegate responsibilities and sub-
3 allocate amounts to community development finan-
4 cial institutions and State agencies that administer
5 Low-Income Home Energy Assistance Program of
6 the Department of Health and Human Services.

7 (2) NOTICE OF FUNDING.—The Secretary shall
8 provide public notice of the amounts that will be
9 made available to each State and the method used
10 for determining such amounts not later than the ex-
11 piration of the 14-day period beginning on the date
12 of the enactment of this Act of enactment.

13 (3) SHFA PLANS.—

14 (A) ELIGIBILITY.—To be eligible to receive
15 funding allocated for a State under the section,
16 a State housing finance agency for the State
17 shall submit to the Secretary a plan for the im-
18 plementation of State programs to administer,
19 in part or in full, the amount of funding the
20 state is eligible to receive, which shall provide
21 for the commencement of receipt of applications
22 by homeowners for assistance, and funding of
23 such applications, not later than the expiration
24 of the 6-month period beginning upon the ap-
25 proval under this paragraph of such plan.

1 (B) MULTIPLE PLANS.— A State housing
2 finance agency may submit multiple plans, each
3 covering a separate portion of funding for
4 which the State is eligible.

5 (C) TIMING.— The Secretary shall approve
6 or disapprove a plan within 30 days after the
7 plan's submission and, if disapproved, explain
8 why the plan could not be approved.

9 (D) DISBURSEMENT UPON APPROVAL.—
10 The Secretary shall disburse to a State housing
11 finance agency the appropriate amount of fund-
12 ing upon approval of the agency's plan.

13 (E) AMENDMENTS.—A State housing fi-
14 nance agency may subsequently amend a plan
15 that has previously been approved, provided
16 that any plan amendment shall be subject to
17 the approval of the Secretary. The Secretary
18 shall approve any plan amendment or dis-
19 approve such amendment explain why the plan
20 amendment could not be approved within 45
21 days after submission to the Secretary of such
22 amendment.

23 (F) TECHNICAL ASSISTANCE.—The Sec-
24 retary shall provide technical assistance for any

1 State housing finance agency that twice fails to
2 have a submitted plan approved.

3 (4) PLAN TEMPLATES.—The Secretary shall,
4 not later than 30 days after the date of the enact-
5 ment of this Act, publish templates that States may
6 utilize in drafting the plans required under para-
7 graph (3)(A). The template plans shall include
8 standard program terms and requirements, as well
9 as any required legal language, which State housing
10 finance agencies may modify with the consent of the
11 Secretary.

12 (e) PERMISSIBLE USES OF FUND.—

13 (1) IN GENERAL.—Funds made available to
14 State housing finance agencies pursuant to this sec-
15 tion may be used for the purposes established under
16 subsection (b), which may include—

17 (A) mortgage payment assistance, includ-
18 ing financial assistance to allow a borrower to
19 reinstate their mortgage or to achieve a more
20 affordable mortgage payment, which may in-
21 clude principal reduction or rate reduction, pro-
22 vided that any mortgage payment assistance is
23 tailored to a borrower's needs and their ability
24 to repay, and takes into consideration the loss
25 mitigation options available to the borrower;

1 (B) assistance with payment of taxes, haz-
2 ard insurance, flood insurance, mortgage insur-
3 ance, or homeowners' association fees;

4 (C) utility payment assistance, including
5 electric, gas, water, and internet service, includ-
6 ing broadband internet access service (as such
7 term is defined in section 8.1(b) of title 47,
8 Code of Federal Regulations (or any successor
9 regulation));

10 (D) reimbursement of funds expended by a
11 State or local government during the period be-
12 ginning on January 21, 2020, and ending on
13 the date that the first funds are disbursed by
14 the State under the Fund, for the purpose of
15 providing housing or utility assistance to indi-
16 viduals or otherwise providing funds to prevent
17 foreclosure or eviction of a homeowner or pre-
18 vent mortgage delinquency or loss of housing or
19 critical utilities as a response to the coronavirus
20 disease 2019 (COVID–19) pandemic; and

21 (E) any other assistance for homeowners
22 to prevent eviction, mortgage delinquency or de-
23 fault, foreclosure, or the loss of essential utility
24 services.

25 (2) TARGETING.—

1 (A) REQUIREMENT.—Not less than 60 per-
2 cent of amounts made available for each State
3 or other entity allocated amounts under sub-
4 section (c) shall be used for activities under
5 paragraph (1) that assist homeowners having
6 incomes equal to or less than 80 percent of the
7 area median income.

8 (B) DETERMINATION OF INCOME.— In de-
9 termining the income of a household for pur-
10 poses of this paragraph, income shall be consid-
11 ered to include only income that the household
12 is receiving at the time of application for assist-
13 ance from the Fund and any income recently
14 terminated shall not be included, except that for
15 purposes of households receiving assistance for
16 arrearages income shall include only the income
17 that the household was receiving at the time
18 such arrearages were incurred.

19 (C) LANGUAGE ASSISTANCE.—Each State
20 housing finance agency or other entity allocated
21 amounts under subsection (c) shall make avail-
22 able to each applicant for assistance from
23 amounts from the Fund language assistance in
24 any language that such language assistance is
25 available in and shall provide notice to each

1 such applicant that such language assistance is
2 available.

3 (3) ADMINISTRATIVE EXPENSES.—Not more
4 than 15 percent of the amount allocated to a State
5 pursuant to subsection (c) may be used by a State
6 housing financing agency for administrative ex-
7 penses. Any amounts allocated to administrative ex-
8 penses that are no longer necessary for administra-
9 tive expenses may be used in accordance with para-
10 graph (1).

11 (f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

12 (1) DEFINITIONS.—In this subsection:

13 (A) DEPARTMENT OF HAWAIIAN HOME
14 LANDS.—The term “Department of Hawaiian
15 Home Lands” has the meaning given the term
16 in section 801 of the Native American Housing
17 Assistance and Self-Determination Act of 1996
18 (42 U.S.C. 4221).

19 (B) ELIGIBLE RECIPIENT.—The term “eli-
20 gible recipient” means any entity eligible to re-
21 ceive a grant under section 101 of the Native
22 American Housing Assistance and Self-Deter-
23 mination Act of 1996 (25 U.S.C. 4111).

24 (2) REQUIREMENTS.—

1 (A) ALLOCATION.—Except for the funds
2 set aside under subsection (c)(5)(B), the Sec-
3 retary shall allocate the funds set aside under
4 subsection (c)(5)(A) using the allocation for-
5 mula described in subpart D of part 1000 of
6 title 24, Code of Federal Regulations (or any
7 successor regulations).

8 (B) NATIVE HAWAIIANS.—The Secretary
9 shall use the funds made available under sub-
10 section (c)(5)(B) in accordance with part 1006
11 of title 24, Code of Federal Regulations (or suc-
12 cessor regulations).

13 (3) TRANSFER.—The Secretary shall transfer
14 any funds made available under subsection (c)(5)
15 that have not been allocated by an eligible recipient
16 or the Department of Hawaiian Home Lands, as ap-
17 plicable, to provide the assistance described in sub-
18 section (e)(1) by December 31, 2030, to the Sec-
19 retary of Housing and Urban Development to carry
20 out the Native American Housing Assistance and
21 Self-Determination Act of 1996 (25 U.S.C. 4101 et
22 seq.).

23 (g) FUNDING.—There is appropriated, out of any
24 funds in the Treasury not otherwise appropriated, to the
25 Homeowner Assistance Fund established under subsection

1 (b), \$75,000,000,000, to remain available until expended
2 or transferred or credited under subsection (i).

3 (h) USE OF HOUSING FINANCE AGENCY INNOVATION
4 FUND FOR THE HARDEST HIT HOUSING MARKETS
5 FUNDS.—A State housing finance agency may reallocate
6 any administrative or programmatic funds it has received
7 as an allocation from the Housing Finance Agency Inno-
8 vation Fund for the Hardest Hit Housing Markets created
9 pursuant to section 101(a) of the Emergency Economic
10 Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have
11 not been otherwise allocated or disbursed as of the date
12 of enactment of this Act to supplement any administrative
13 or programmatic funds received from the Housing Assist-
14 ance Fund. Such reallocated funds shall not be considered
15 when allocating resources from the Housing Assistance
16 Fund using the process established under subsection (c)
17 and shall remain available for the uses permitted and
18 under the terms and conditions established by the contract
19 with Secretary created pursuant to subsection (d)(1) and
20 the terms of subsection (i).

21 (i) REPORTING REQUIREMENTS.—The Secretary
22 shall provide public reports not less frequently than quar-
23 terly regarding the use of funds provided by the Home-
24 owner Assistance Fund. Such reports shall include the fol-
25 lowing data by State and by program within each State,

1 both for the past quarter and throughout the life of the
2 program—

3 (1) the amount of funds allocated;

4 (2) the amount of funds disbursed;

5 (3) the number of households and individuals
6 assisted;

7 (4) the acceptance rate of applicants;

8 (5) the type or types of assistance provided to
9 each household;

10 (6) whether the household assisted had a feder-
11 ally backed loan and identification of the Federal en-
12 tity backing such loan;

13 (7) the average amount of funding provided per
14 household receiving assistance and per type of as-
15 sistance provided;

16 (8) the average number of monthly payments
17 that were covered by the funding amount that a
18 household received, as applicable, disaggregated by
19 type of assistance provided;

20 (9) the income level of each household receiving
21 assistance; and

22 (10) the outcome 12 months after the house-
23 hold has received assistance.

24 Each report under this subsection shall disaggregate the
25 information provided under paragraphs (3) through (10)

1 by State, zip code, racial and ethnic composition of the
2 household, and whether or not the person from the house-
3 hold applying for assistance speaks English as a second
4 language.

5 **SEC. 110203. PROTECTING RENTERS AND HOMEOWNERS**
6 **FROM EVICTIONS AND FORECLOSURES.**

7 (a) **EVICITION MORATORIUM.**—The CARES Act is
8 amended by striking section 4024 (15 U.S.C. 9058; Public
9 Law 116-136; 134 Stat. 492) and inserting the following
10 new section:

11 **“SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
12 **INGS.**

13 “(a) **CONGRESSIONAL FINDINGS.**—The Congress
14 finds that—

15 “(1) according to the 2018 American Commu-
16 nity Survey, 36 percent of households in the United
17 States—more than 43 million households—are rent-
18 ers;

19 “(2) in 2019 alone, renters in the United States
20 paid \$512 billion in rent;

21 “(3) according to the Joint Center for Housing
22 Studies of Harvard University, 20.8 million renters
23 in the United States spent more than 30 percent of
24 their incomes on housing in 2018 and 10.9 million

1 renters spent more than 50 percent of their incomes
2 on housing in the same year;

3 “(4) according to data from the Department of
4 Labor, more than 30 million people have filed for
5 unemployment since the COVID-19 pandemic began;

6 “(5) the impacts of the spread of COVID-19,
7 which is now considered a global pandemic, are ex-
8 pected to negatively impact the incomes of poten-
9 tially millions of renter households, making it dif-
10 ficult for them to pay their rent on time; and

11 “(6) evictions in the current environment would
12 increase homelessness and housing instability which
13 would be counterproductive towards the public
14 health goals of keeping individuals in their homes to
15 the greatest extent possible.

16 “(b) MORATORIUM.—During the period beginning on
17 the date of the enactment of this Act and ending 12
18 months after such date of enactment, the lessor of a cov-
19 ered dwelling located in such State may not make, or
20 cause to be made, any filing with the court of jurisdiction
21 to initiate a legal action to recover possession of the cov-
22 ered dwelling from the tenant for nonpayment of rent or
23 other fees or charges.

24 “(c) DEFINITIONS.—For purposes of this section, the
25 following definitions shall apply:

1 “(1) COVERED DWELLING.—The term ‘covered
2 dwelling’ means a dwelling that is occupied by a ten-
3 ant—

4 “(A) pursuant to a residential lease; or

5 “(B) without a lease or with a lease ter-
6 minable at will under State law.

7 “(2) DWELLING.—The term ‘dwelling’ has the
8 meaning given such term in section 802 of the Fair
9 Housing Act (42 U.S.C. 3602) and includes houses
10 and dwellings described in section 803(b) of such
11 Act (42 U.S.C. 3603(b)).

12 “(d) NOTICE TO VACATE AFTER MORATORIUM EXPI-
13 RATION DATE.—After the expiration of the period de-
14 scribed in subsection (b), the lessor of a covered dwelling
15 may not require the tenant to vacate the covered dwelling
16 by reason of nonpayment of rent or other fees or charges
17 before the expiration of the 30-day period that begins
18 upon the provision by the lessor to the tenant, after the
19 expiration of the period described in subsection (b), of a
20 notice to vacate the covered dwelling.”.

21 (b) MORTGAGE RELIEF.—

22 (1) FORBEARANCE AND FORECLOSURE MORA-
23 TORIUM FOR COVERED MORTGAGE LOANS.—Section
24 4022 of the CARES Act (15 U.S.C. 9056) is
25 amended—

1 (A) by striking “Federally backed mort-
2 gage loan” each place such term appears and
3 inserting “covered mortgage loan”; and

4 (B) in subsection (a)—

5 (i) by amending paragraph (2) to read
6 as follows:

7 “(2) COVERED MORTGAGE LOAN.—The term
8 ‘covered mortgage loan’ means any credit trans-
9 action that is secured by a mortgage, deed of trust,
10 or other equivalent consensual security interest on a
11 1- to 4-unit dwelling or on residential real property
12 that includes a 1- to 4-unit dwelling, except that it
13 shall not include a credit transaction under an open
14 end credit plan other than a reverse mortgage.”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(3) COVERED PERIOD.—With respect to a
18 loan, the term ‘covered period’ means the period be-
19 ginning on the date of enactment of this Act and
20 ending 12 months after such date of enactment.”.

21 (2) AUTOMATIC FORBEARANCE FOR DELIN-
22 QUENT BORROWERS.—Section 4022(c) of the
23 CARES Act (15 U.S.C. 9056(c)), as amended by
24 paragraph (5) of this subsection, is further amended
25 by adding at the end the following:

1 “(9) AUTOMATIC FORBEARANCE FOR DELIN-
2 QUENT BORROWERS.—

3 “(A) IN GENERAL.—Notwithstanding any
4 other law governing forbearance relief—

5 “(i) any borrower whose covered mort-
6 gage loan became 60 days delinquent be-
7 tween March 13, 2020, and the date of en-
8 actment of this paragraph, and who has
9 not already received a forbearance under
10 subsection (b), shall automatically be
11 granted a 60-day forbearance that begins
12 on the date of enactment of this para-
13 graph, provided that a borrower shall not
14 be considered delinquent for purposes of
15 this paragraph while making timely pay-
16 ments or otherwise performing under a
17 trial modification or other loss mitigation
18 agreement; and

19 “(ii) any borrower whose covered
20 mortgage loan becomes 60 days delinquent
21 between the date of enactment of this
22 paragraph and the end of the covered pe-
23 riod, and who has not already received a
24 forbearance under subsection (b), shall
25 automatically be granted a 60-day forbear-

1 ance that begins on the 60th day of delin-
2 quency, provided that a borrower shall not
3 be considered delinquent for purposes of
4 this paragraph while making timely pay-
5 ments or otherwise performing under a
6 trial modification or other loss mitigation
7 agreement.

8 “(B) INITIAL EXTENSION.—An automatic
9 forbearance provided under subparagraph (A)
10 shall be extended for up to an additional 120
11 days upon the borrower’s request, oral or writ-
12 ten, submitted to the borrower’s servicer affirm-
13 ing that the borrower is experiencing a financial
14 hardship that prevents the borrower from mak-
15 ing timely payments on the covered mortgage
16 loan due, directly or indirectly, to the COVID-
17 19 emergency.

18 “(C) SUBSEQUENT EXTENSION.—A for-
19 bearance extended under subparagraph (B)
20 shall be extended for up to an additional 180
21 days, up to a maximum of 360 days (including
22 the period of automatic forbearance), upon the
23 borrower’s request, oral or written, submitted to
24 the borrower’s servicer affirming that the bor-
25 rower is experiencing a financial hardship that

1 prevents the borrower from making timely pay-
2 ments on the covered mortgage loan due, di-
3 rectly or indirectly, to the COVID-19 emer-
4 gency.

5 “(D) RIGHT TO ELECT TO CONTINUE MAK-
6 ING PAYMENTS.—With respect to a forbearance
7 provided under this paragraph, the borrower of
8 such loan may elect to continue making regular
9 payments on the loan. A borrower who makes
10 such election shall be offered a loss mitigation
11 option pursuant to subsection (d) within 30
12 days of resuming regular payments to address
13 any payment deficiency during the forbearance.

14 “(E) RIGHT TO SHORTEN FORBEAR-
15 ANCE.—At a borrower’s request, any period of
16 forbearance provided under this paragraph may
17 be shortened. A borrower who makes such a re-
18 quest shall be offered a loss mitigation option
19 pursuant to subsection (d) within 30 days of re-
20 suming regular payments to address any pay-
21 ment deficiency during the forbearance.

22 “(10) AUTOMATIC FORBEARANCE FOR CERTAIN
23 REVERSE MORTGAGE LOANS.—

24 “(A) IN GENERAL.—When any covered
25 mortgage loan which is also a federally-insured

1 reverse mortgage loan, during the covered pe-
2 riod, is due and payable due to the death of the
3 last borrower or end of a deferral period or eli-
4 gible to be called due and payable due to a
5 property charge default, or if the borrower de-
6 faults on a property charge repayment plan, or
7 if the borrower defaults for failure to complete
8 property repairs, or if an obligation of the bor-
9 rower under the Security Instrument is not per-
10 formed, the mortgagee automatically shall be
11 granted a six-month extension of—

12 “(i) the mortgagee’s deadline to re-
13 quest due and payable status from the De-
14 partment of Housing and Urban Develop-
15 ment;

16 “(ii) the mortgage’s deadline to send
17 notification to the mortgagor or his or her
18 heirs that the loan is due and payable;

19 “(iii) the deadline to initiate fore-
20 closure;

21 “(iv) any reasonable diligence period
22 related to foreclosure or the Mortgagee Op-
23 tional Election;

24 “(v) if applicable, the deadline to ob-
25 tain the due and payable appraisal; and

1 “(vi) any claim submission deadline,
2 including the 6-month acquired property
3 marketing period.

4 “(B) FORBEARANCE PERIOD.—The mort-
5 gagee shall not request due and payable status
6 from the Secretary of Housing and Urban De-
7 velopment nor initiate foreclosure during this
8 six-month period described under subparagraph
9 (A), which shall be considered a forbearance pe-
10 riod.

11 “(C) EXTENSION.—A forbearance provided
12 under subparagraph (B) and related deadline
13 extension authorized under subparagraph (A)
14 shall be extended for an additional 180 days
15 upon—

16 “(i) the borrower’s request, oral or
17 written, submitted to the borrower’s
18 servicer affirming that the borrower is ex-
19 periencing a financial hardship that pre-
20 vents the borrower from making payments
21 on property charges, completing property
22 repairs, or performing an obligation of the
23 borrower under the Security Instrument
24 due, directly or indirectly, to the COVID-
25 19 emergency;

1 “(ii) a non-borrowing spouse’s re-
2 quest, oral or written, submitted to the
3 servicer affirming that the non-borrowing
4 spouse has been unable to satisfy all cri-
5 teria for the Mortgagee Optional Election
6 program due, directly or indirectly, to the
7 COVID-19 emergency, or to perform all
8 actions necessary to become an eligible
9 non-borrowing spouse following the death
10 of all borrowers; or

11 “(iii) a successor-in-interest of the
12 borrower’s request, oral or written, sub-
13 mitted to the servicer affirming the heir’s
14 difficulty satisfying the reverse mortgage
15 loan due, directly or indirectly, to the
16 COVID-19 emergency.

17 “(D) CURTAILMENT OF DEBENTURE IN-
18 TEREST.—Where any covered mortgage loan
19 which is also a federally insured reverse mort-
20 gage loan is in default during the covered pe-
21 riod and subject to a prior event which provides
22 for curtailment of debenture interest in connec-
23 tion with a claim for insurance benefits, the
24 curtailment of debenture interest shall be sus-

1 pended during any forbearance period provided
2 herein.”.

3 (3) ADDITIONAL FORECLOSURE AND REPOSSES-
4 SION PROTECTIONS.—Section 4022(c) of the
5 CARES Act (15 U.S.C. 9056(c)) is amended—

6 (A) in paragraph (2), by striking “may not
7 initiate any judicial or non-judicial foreclosure
8 process, move for a foreclosure judgment or
9 order of sale, or execute a foreclosure-related
10 eviction or foreclosure sale for not less than the
11 60-day period beginning on March 18, 2020”
12 and inserting “may not initiate or proceed with
13 any judicial or non-judicial foreclosure process,
14 schedule a foreclosure sale, move for a fore-
15 closure judgment or order of sale, execute a
16 foreclosure related eviction or foreclosure sale
17 for six months after the date of enactment of
18 the COVID–19 HERO Act”; and

19 (B) by adding at the end the following:

20 “(3) REPOSSESSION MORATORIUM.—In the case
21 of personal property, including any recreational or
22 motor vehicle, used as a dwelling, no person may use
23 any judicial or non-judicial procedure to repossess or
24 otherwise take possession of such property for six
25 months after date of enactment of this paragraph.”.

1 (4) MORTGAGE FORBEARANCE REFORMS.—Sec-
2 tion 4022 of the CARES Act (15 U.S.C. 9056) is
3 amended—

4 (A) in subsection (b), by striking para-
5 graphs (1), (2), and (3) and inserting the fol-
6 lowing:

7 “(1) IN GENERAL.—During the covered period,
8 a borrower with a covered mortgage loan who has
9 not obtained automatic forbearance pursuant to this
10 section and who is experiencing a financial hardship
11 that prevents the borrower from making timely pay-
12 ments on the covered mortgage loan due, directly or
13 indirectly, to the COVID–19 emergency may request
14 forbearance on the loan, regardless of delinquency
15 status, by—

16 “(A) submitting a request, orally or in
17 writing, to the servicer of the loan; and

18 “(B) affirming that the borrower is experi-
19 encing a financial hardship that prevents the
20 borrower from making timely payments on the
21 covered mortgage loan due, directly or indi-
22 rectly, to the COVID–19 emergency.

23 “(2) DURATION OF FORBEARANCE.—

24 “(A) IN GENERAL.—Upon a request by a
25 borrower to a servicer for forbearance under

1 paragraph (1), such forbearance shall be grant-
2 ed by the servicer for the period requested by
3 the borrower, up to an initial length of 180
4 days, the length of which shall be extended by
5 the servicer, at the request of the borrower for
6 the period or periods requested, for a total for-
7 bearance period of up to 12-months.

8 “(B) MINIMUM FORBEARANCE
9 AMOUNTS.—For purposes of granting a forbear-
10 ance under this paragraph, a servicer may
11 grant an initial forbearance with a term of not
12 less than 90 days, provided that it is automati-
13 cally extended for an additional 90 days unless
14 the servicer confirms the borrower does not
15 want to renew the forbearance or that the bor-
16 rower is no longer experiencing a financial
17 hardship that prevents the borrower from mak-
18 ing timely mortgage payments due, directly or
19 indirectly, to the COVID–19 emergency.

20 “(C) RIGHT TO SHORTEN FORBEAR-
21 ANCE.—At a borrower’s request, any period of
22 forbearance described under this paragraph
23 may be shortened. A borrower who makes such
24 a request shall be offered a loss mitigation op-
25 tion pursuant to subsection (d) within 30 days

1 of resuming regular payments to address any
2 payment deficiency during the forbearance.

3 “(3) ACCRUAL OF INTEREST OR FEES.—A
4 servicer shall not charge a borrower any fees, pen-
5 alties, or interest (beyond the amounts scheduled or
6 calculated as if the borrower made all contractual
7 payments on time and in full under the terms of the
8 mortgage contract) in connection with a forbearance,
9 provided that a servicer may offer the borrower a
10 modification option at the end of a forbearance pe-
11 riod granted hereunder that includes the capitaliza-
12 tion of past due principal and interest and escrow
13 payments as long as the borrower’s principal and in-
14 terest payment under such modification remains at
15 or below the contractual principal and interest pay-
16 ments owed under the terms of the mortgage con-
17 tract before such forbearance period except as the
18 result of a change in the index of an adjustable rate
19 mortgage.

20 “(4) COMMUNICATION WITH SERVICERS.—Any
21 communication between a borrower and a servicer
22 described under this section may be made in writing
23 or orally, at the borrower’s choice.

24 “(5) COMMUNICATION WITH BORROWERS WITH
25 A DISABILITY.—Upon request from a borrower,

1 servicers shall communicate with borrowers who
2 have a disability in the borrower’s preferred method
3 of communication. For purposes of this paragraph,
4 the term ‘disability’ has the meaning given that term
5 in the Fair Housing Act, the Americans with Dis-
6 abilities Act of 1990, or the Rehabilitation Act of
7 1973.”; and

8 (B) in subsection (c), by amending para-
9 graph (1) to read as follows:

10 “(1) NO DOCUMENTATION REQUIRED.—A
11 servicer of a covered mortgage loan shall not require
12 any documentation with respect to a forbearance
13 under this section other than the borrower’s affirma-
14 tion (oral or written) to a financial hardship that
15 prevents the borrower from making timely payments
16 on the covered mortgage loan due, directly or indi-
17 rectly, to the COVID–19 emergency. An oral request
18 for forbearance and oral affirmation of hardship by
19 the borrower shall be sufficient for the borrower to
20 obtain or extend a forbearance.”.

21 (5) OTHER SERVICER REQUIREMENTS DURING
22 FORBEARANCE.—Section 4022(c) of the CARES Act
23 (15 U.S.C. 9056(c)), as amended by paragraph (3)
24 of this subsection, is further amended by adding at
25 the end the following:

1 “(4) FORBEARANCE TERMS NOTICE.—Within
2 30 days of a servicer of a covered mortgage loan
3 providing forbearance to a borrower under sub-
4 section (b) or paragraph (9) or (10), or 10 days if
5 the forbearance is for a term of less than 60 days,
6 but only where the forbearance was provided in re-
7 sponse to a borrower’s request for forbearance or
8 when an automatic forbearance was initially pro-
9 vided under paragraph (9) or (10), and not when an
10 existing forbearance is automatically extended, the
11 servicer shall provide the borrower with a notice in
12 accordance with the terms in paragraph (5).

13 “(5) CONTENTS OF NOTICE.—The written no-
14 tice required under paragraph (4) shall state in
15 plain language—

16 “(A) the specific terms of the forbearance;

17 “(B) the beginning and ending dates of the
18 forbearance;

19 “(C) that the borrower is eligible for up to
20 12 months of forbearance;

21 “(D) that the borrower may request an ex-
22 tension of the forbearance unless the borrower
23 will have reached the maximum period at the
24 end of the forbearance;

1 “(E) that the borrower may request that
2 the initial or extended period be shortened at
3 any time;

4 “(F) that the borrower should contact the
5 servicer before the end of the forbearance pe-
6 riod;

7 “(G) a description of the loss mitigation
8 options that may be available to the borrower at
9 the end of the forbearance period based on the
10 borrower’s specific loan;

11 “(H) information on how to find a housing
12 counseling agency approved by the Department
13 of Housing and Urban Development;

14 “(I) in the case of a forbearance provided
15 pursuant to paragraph (9) or (10), that the for-
16 bearance was automatically provided and how
17 to contact the servicer to make arrangements
18 for further assistance, including any renewal;
19 and

20 “(J) where applicable, that the forbearance
21 is subject to an automatic extension including
22 the terms of any such automatic extensions and
23 when any further extension would require a bor-
24 rower request.

1 “(6) TREATMENT OF ESCROW ACCOUNTS.—

2 During any forbearance provided under this section,
3 a servicer shall pay or advance funds to make dis-
4 bursements in a timely manner from any escrow ac-
5 count established on the covered mortgage loan.

6 “(7) NOTIFICATION FOR BORROWERS.—During
7 the period that begins 90 days after the date of the
8 enactment of this paragraph and ends at the end of
9 the covered period, each servicer of a covered mort-
10 gage loan shall be required to—

11 “(A) make available in a clear and con-
12 spicuous manner on their webpage accurate in-
13 formation, in English and Spanish, for bor-
14 rowers regarding the availability of forbearance
15 as provided under subsection (b); and

16 “(B) notify every borrower whose pay-
17 ments on a covered mortgage loan are delin-
18 quent in any oral communication with or to the
19 borrower that the borrower may be eligible to
20 request forbearance as provided under sub-
21 section (b), except that such notice shall not be
22 required if the borrower already has requested
23 forbearance under subsection (b).

24 “(8) CERTAIN TREATMENT UNDER RESPA.—As
25 long as a borrower’s payment on a covered mortgage

1 loan was not more than 30 days delinquent on
2 March 13, 2020, a servicer may not deem the bor-
3 rower as delinquent while a forbearance granted
4 under subsection (b) is in effect for purposes of the
5 application of sections 6 and 10 of the Real Estate
6 Settlement Procedures Act and any applicable regu-
7 lations.”.

8 (6) POST-FORBEARANCE LOSS MITIGATION.—

9 (A) AMENDMENT TO CARES ACT.—Section
10 4022 of the CARES Act (15 U.S.C. 9056) is
11 amended by adding at the end the following:

12 “(d) POST-FORBEARANCE LOSS MITIGATION.—

13 “(1) NOTICE OF AVAILABILITY OF ADDITIONAL
14 FORBEARANCE.—With respect to any covered mort-
15 gage loan as to which forbearance under this section
16 has been granted and not otherwise extended, in-
17 cluding by automatic extension, a servicer shall, no
18 later than 30 days before the end of the forbearance
19 period, in writing, notify the borrower that addi-
20 tional forbearance may be available and how to re-
21 quest such forbearance, except that no such notice
22 is required where the borrower already has requested
23 an extension of the forbearance period, is subject to
24 automatic extension pursuant to subsection
25 (b)(2)(B), or no additional forbearance is available.

1 “(2) LOSS MITIGATION OFFER BEFORE EXPIRA-
2 TION OF FORBEARANCE.—No later than 30 days be-
3 fore the end of any forbearance period that has not
4 been extended or 30 days after a request by a con-
5 sumer to terminate the forbearance, which time shall
6 be before the servicer initiates or engages in any
7 foreclosure activity listed in subsection (c)(2), in-
8 cluding incurring or charging to a borrower any fees
9 or corporate advances related to a foreclosure, the
10 servicer shall, in writing—

11 “(A) offer the borrower a loss mitigation
12 option, without the charging of any fees or pen-
13 alties other than interest, such that the bor-
14 rower’s principal and interest payment remains
15 the same as it was prior to the forbearance,
16 subject to any adjustment of the index pursuant
17 to the terms of an adjustable rate mortgage,
18 and that either—

19 “(i) defers the payment of total ar-
20 rearages, including any escrow advances,
21 to the end of the existing term of the loan,
22 without the charging or collection of any
23 additional interest on the deferred
24 amounts; or

1 “(ii) extends the term of the mortgage
2 loan, and capitalizes, defers, or forgives all
3 escrow advances and other arrearages;
4 provided, however, that the servicer may offer
5 the borrower a loss mitigation option that re-
6 duces the principal and interest payment on the
7 loan and capitalizes, defers, or forgives all es-
8 crow advances or arrearages if the servicer has
9 information indicating that the borrower cannot
10 resume the pre-forbearance mortgage payments;
11 and

12 “(B) concurrent with the loss mitigation
13 offer in subparagraph (A), notify the borrower
14 that the borrower has the right to be evaluated
15 for other loss mitigation options if the borrower
16 is not able to make the payment under the op-
17 tion offered in subparagraph (A).

18 “(3) EVALUATION FOR LOSS MITIGATION PRIOR
19 TO FORECLOSURE INITIATION.—Before a servicer
20 may initiate or engage in any foreclosure activity
21 listed in subsection (c)(2), including incurring or
22 charging to a borrower any fees or corporate ad-
23 vances related to a foreclosure on the basis that the
24 borrower has failed to perform under the loss miti-
25 gation offer in paragraph (2)(A) within the first 90

1 days after the option is offered, including a failure
2 to accept the loss mitigation offer in paragraph
3 (2)(A), the servicer shall—

4 “(A) unless the borrower has already sub-
5 mitted a complete application that the servicer
6 is reviewing—

7 “(i) notify the borrower in writing of
8 the documents and information, if any,
9 needed by the servicer to enable the
10 servicer to consider the borrower for all
11 available loss mitigation options;

12 “(ii) exercise reasonable diligence to
13 obtain the documents and information
14 needed to complete the borrower’s loss
15 mitigation application;

16 “(B) upon receipt of a complete applica-
17 tion or if, despite the servicer’s exercise of rea-
18 sonable diligence, the loss mitigation application
19 remains incomplete sixty days after the notice
20 in paragraph (2)(A) is sent, conduct an evalua-
21 tion of the complete or incomplete loss mitiga-
22 tion application without reference to whether
23 the borrower has previously submitted a com-
24 plete loss mitigation application and offer the
25 borrower all available loss mitigation options for

1 which the borrower qualifies under applicable
2 investor guidelines, including guidelines regard-
3 ing required documentation.

4 “(4) EFFECT ON FUTURE REQUESTS FOR LOSS
5 MITIGATION REVIEW.—An application, offer, or eval-
6 uation for loss mitigation under this section shall
7 not be the basis for the denial of a borrower’s appli-
8 cation as duplicative or for a reduction in the bor-
9 rower’s appeal rights under Regulation X (12 C.F.R.
10 1024) in regard to any loss mitigation application
11 submitted after the servicer has complied with the
12 requirements of paragraphs (2) and (3).

13 “(5) SAFE HARBOR.—Any loss mitigation op-
14 tion authorized by the Federal National Mortgage
15 Association, the Federal Home Loan Corporation, or
16 the Federal Housing Administration that either—

17 “(A) defers the payment of total arrear-
18 ages, including any escrow advances, to the end
19 of the existing term of the loan, without the
20 charging or collection of any additional interest
21 on the deferred amounts, or

22 “(B) extends the term of the mortgage
23 loan, and capitalizes, defers, or forgives all es-
24 crow advances and other arrearages, without
25 the charging of any fees or penalties beyond in-

1 terest on any amount capitalized into the loan
2 principal,
3 shall be deemed to comply with the requirements of
4 paragraph (1)(B).

5 “(6) HOME RETENTION OPTIONS FOR CERTAIN
6 REVERSE MORTGAGE LOANS.—

7 “(A) IN GENERAL.—For a covered mort-
8 gage loan which is also a federally-insured re-
9 verse mortgage loan, a servicer’s conduct shall
10 be deemed to comply with this section provided
11 that if the loan is eligible to be called due and
12 payable due to a property charge default, the
13 mortgagee shall, as a precondition to sending a
14 due and payable request to the Secretary or ini-
15 tiating or continuing a foreclosure process—

16 “(i) make a good faith effort to com-
17 municate with the borrower regarding
18 available home retention options to cure
19 the property charge default, including en-
20 couraging the borrower to apply for home
21 retention options; and

22 “(ii) consider the borrower for all
23 available home retention options as allowed
24 by the Secretary.

1 “(B) PERMISSIBLE REPAYMENT PLANS.—
2 The Secretary shall amend its allowable home
3 retention options to permit a repayment plan of
4 up to 120 months in length, and to permit a re-
5 payment plan without regard to prior defaults
6 on repayment plans.

7 “(C) LIMITATION ON INTEREST CURTAIL-
8 MENT.—The Secretary may not curtail interest
9 paid to mortgagees who engage in loss mitiga-
10 tion or home retention actions through interest
11 curtailment during such loss mitigation or home
12 retention review or during the period when a
13 loss mitigation or home retention plan is in ef-
14 fect and ending 90 days after any such plan
15 terminates.”.

16 (B) AMENDMENT TO HOUSING ACT OF
17 1949.—Section 505 of the Housing Act of 1949
18 (42 U.S.C. 1475) is amended—

19 (i) by striking the section heading and
20 inserting “LOSS MITIGATION AND FORE-
21 CLOSURE PROCEDURES”;

22 (ii) in subsection (a), by striking the
23 section designation and all that follows
24 through “During any” and inserting the
25 following:

1 “SEC. 505. (a) Moratorium— (1) In determining a
2 borrower’s eligibility for relief, the Secretary shall make
3 all eligibility decisions based on the borrower’s household’s
4 income, expenses, and circumstances.

5 “(2) During any”.

6 (iii) by redesignating subsection (b) as
7 subsection (c); and

8 (iv) by inserting after subsection (a)
9 the following new subsection:

10 “(b) LOAN MODIFICATION.— (1) Notwithstanding
11 any other provision of this title, for any loan made under
12 section 502 or 504, the Secretary may modify the interest
13 rate and extend the term of such loan for up to 30 years
14 from the date of such modification.

15 “(2) At the end of any moratorium period granted
16 under this section or under the COVID–19 HERO Act,
17 the Secretary shall determine whether the borrower can
18 reasonably resume making principal and interest pay-
19 ments after the Secretary modifies the borrower’s loan ob-
20 ligations in accordance with paragraph (1).”.

21 (7) MULTIFAMILY MORTGAGE FORBEARANCE.—
22 Section 4023 of the CARES Act (15 U.S.C. 9057)
23 is amended—

24 (A) by striking “Federally backed multi-
25 family mortgage loan” each place such term ap-

1 pears and inserting “multifamily mortgage
2 loan”;

3 (B) in subsection (b), by striking “during”
4 and inserting “due, directly or indirectly, to”;

5 (C) in subsection (c)(1)—

6 (i) in subparagraph (A), by adding
7 “and” at the end;

8 (ii) by striking subparagraphs (B) and
9 (C) and inserting the following:

10 “(B) provide the forbearance for up to the
11 end of the period described under section
12 4024(b).”; and

13 (D) by redesignating subsection (f) as sub-
14 section (g);

15 (E) by inserting after subsection (e) the
16 following:

17 “(f) TREATMENT AFTER FORBEARANCE.—With re-
18 spect to a multifamily mortgage loan provided a forbear-
19 ance under this section, the servicer of such loan—

20 “(1) shall provide the borrower with a 12-
21 month period beginning at the end of such forbear-
22 ance to become current on the payments under such
23 loan;

24 “(2) may not charge any late fees, penalties, or
25 other charges with respect to payments on the loan

1 that were due during the forbearance period, if such
2 payments are made before the end of the 12-month
3 period; and

4 “(3) may not report any adverse information to
5 a credit rating agency (as defined under section 603
6 of the Fair Credit Reporting Act with respect to any
7 payments on the loan that were due during the for-
8 bearance period, if such payments are made before
9 the end of the 12-month period.)”; and

10 (F) in subsection (g), as so redesignated—

11 (i) in paragraph (2)—

12 (I) by striking “that—” and all
13 that follows through “(A) is secured
14 by” and inserting “that is secured
15 by”;

16 (II) by striking “; and” and in-
17 serting a period; and

18 (III) by striking subparagraph
19 (B); and

20 (ii) by amending paragraph (5) to
21 read as follows:

22 “(5) COVERED PERIOD.—With respect to a
23 loan, the term ‘covered period’ has the meaning
24 given that term under section 4022(a)(3).”.

1 (8) RENTER PROTECTIONS DURING FORBEAR-
2 ANCE PERIOD.— A borrower that receives a forbear-
3 ance pursuant to section 4022 or 4023 of the
4 CARES Act (15 U.S.C. 9056 or 9057) may not, for
5 the duration of the forbearance—

6 (A) evict or initiate the eviction of a tenant
7 solely for nonpayment of rent or other fees or
8 charges; or

9 (B) charge any late fees, penalties, or
10 other charges to a tenant for late payment of
11 rent.

12 (9) EXTENSION OF GSE PATCH.—

13 (A) NON-APPLICABILITY OF EXISTING
14 SUNSET.—Section 1026.43(e)(4)(iii)(B) of title
15 12, Code of Federal Regulations, shall have no
16 force or effect.

17 (B) EXTENDED SUNSET.—The special
18 rules in section 1026.43(e)(4) of title 12, Code
19 of Federal Regulations, shall apply to covered
20 transactions consummated prior to June 1,
21 2022, or such later date as the Director of the
22 Bureau of Consumer Financial Protection may
23 determine, by rule.

24 (10) SERVICER SAFE HARBOR FROM INVESTOR
25 LIABILITY.—

1 (A) SAFE HARBOR.—

2 (i) IN GENERAL.—A servicer of cov-
3 ered mortgage loans or multifamily mort-
4 gage loans shall be deemed not to have vio-
5 lated any duty or contractual obligation
6 owed to investors or other parties regard-
7 ing such mortgage loans on account of of-
8 fering or implementing in good faith for-
9 bearance during the covered period or of-
10 fering or implementing in good faith post-
11 forbearance loss mitigation (including after
12 the expiration of the covered period) in ac-
13 cordance with the terms of sections 4022
14 and 4023 of the CARES Act to borrowers,
15 respectively, on covered or multifamily
16 mortgage loans that it services and shall
17 not be liable to any party who is owed such
18 a duty or obligation or subject to any in-
19 junction, stay, or other equitable relief to
20 such party on account of such offer or im-
21 plementation of forbearance or post-for-
22 bearance loss mitigation.

23 (ii) OTHER PERSONS.—Any person,
24 including a trustee of a securitization vehi-
25 cle or other party involved in a

1 securitization or other investment vehicle,
2 who in good faith cooperates with a
3 servicer of covered or multifamily mortgage
4 loans held by that securitization or invest-
5 ment vehicle to comply with the terms of
6 section 4022 and 4023 of the CARES Act,
7 respectively, to borrowers on covered or
8 multifamily mortgage loans owned by the
9 securitization or other investment vehicle
10 shall not be liable to any party who is owed
11 such a duty or obligation or subject to any
12 injunction, stay, or other equitable relief to
13 such party on account of its cooperation
14 with an offer or implementation of forbear-
15 ance during the covered period or post-for-
16 bearance loss mitigation, including after
17 the expiration of the covered period.

18 (B) STANDARD INDUSTRY PRACTICE.—
19 During the covered period, notwithstanding any
20 contractual restrictions, it is deemed to be
21 standard industry practice for a servicer to
22 offer forbearance or loss mitigation options in
23 accordance with the terms of sections 4022 and
24 4023 of the CARES Act to borrowers, respec-

1 tively, on all covered or multifamily mortgage
2 loans it services.

3 (C) RULE OF CONSTRUCTION.—Nothing in
4 this paragraph may be construed as affecting
5 the liability of a servicer or other person for ac-
6 tual fraud in the servicing of a mortgage loan
7 or for the violation of a State or Federal law.

8 (D) DEFINITIONS.—In this paragraph:

9 (i) COVERED MORTGAGE LOAN.—The
10 term “covered mortgage loan” has the
11 meaning given that term under section
12 4022(a) of the CARES Act.

13 (ii) COVERED PERIOD.—The term
14 “covered period” has the meaning given
15 that term under section 4023(g) of the
16 CARES Act.

17 (iii) MULTIFAMILY MORTGAGE
18 LOAN.—The term “multifamily mortgage
19 loan” has the meaning given that term
20 under section 4023(g) of the CARES Act.

21 (iv) SERVICER.—The term
22 “servicer”—

23 (I) has the meaning given the
24 term under section 6(i) of the Real

1 Estate Settlement Procedures Act of
2 1974 (12 U.S.C. 2605(i)); and

3 (II) means a master servicer and
4 a subservicer, as such terms are de-
5 fined, respectively, under section
6 1024.31 of title 12, Code of Federal
7 Regulations.

8 (v) SECURITIZATION VEHICLE.—The
9 term “securitization vehicle” has the
10 meaning give that term under section
11 129A(f) of the Truth in Lending Act (15
12 U.S.C. 1639a(f)).

13 (c) BANKRUPTCY PROTECTIONS.—

14 (1) BANKRUPTCY PROTECTIONS FOR FEDERAL
15 CORONAVIRUS RELIEF PAYMENTS.—Section 541(b)
16 of title 11, United States Code, is amended—

17 (A) in paragraph (9), in the matter fol-
18 lowing subparagraph (B), by striking “or”;

19 (B) in paragraph (10)(C), by striking the
20 period at the end and inserting “; or”; and

21 (C) by inserting after paragraph (10) the
22 following:

23 “(11) payments made under Federal law relat-
24 ing to the national emergency declared by the Presi-
25 dent under the National Emergencies Act (50

1 U.S.C. 1601 et seq.) with respect to the coronavirus
2 disease 2019 (COVID–19).”.

3 (2) PROTECTION AGAINST DISCRIMINATORY
4 TREATMENT OF HOMEOWNERS IN BANKRUPTCY.—
5 Section 525 of title 11, United States Code, is
6 amended by adding at the end the following:

7 “(d) A person may not be denied any forbearance,
8 assistance, or loan modification relief made available to
9 borrowers by a mortgage creditor or servicer because the
10 person is or has been a debtor, or has received a discharge,
11 in a case under this title.”.

12 (3) INCREASING THE HOMESTEAD EXEMP-
13 TION.—Section 522 of title 11, United States Code,
14 is amended—

15 (A) in subsection (d)(1), by striking
16 “\$15,000” and inserting “\$100,000”; and

17 (B) by adding at the end the following:

18 “(r) Notwithstanding any other provision of applica-
19 ble nonbankruptcy law, a debtor in any State may exempt
20 from property of the estate the property described in sub-
21 section (d)(1) not to exceed the value in subsection (d)(1)
22 if the exemption for such property permitted by applicable
23 nonbankruptcy law is lower than that amount.”.

24 (4) EFFECT OF MISSED MORTGAGE PAYMENTS
25 ON DISCHARGE.—Section 1328 of title 11, United

1 States Code, is amended by adding at the end the
2 following:

3 “(i) A debtor shall not be denied a discharge under
4 this section because, as of the date of discharge, the debtor
5 did not make 6 or fewer payments directly to the holder
6 of a debt secured by real property.

7 “(j) Notwithstanding subsections (a) and (b), upon
8 the debtor’s request, the court shall grant a discharge of
9 all debts provided for in the plan that are dischargeable
10 under subsection (a) if the debtor—

11 “(1) has made payments under a confirmed
12 plan for at least 1 year; and

13 “(2) is experiencing or has experienced a mate-
14 rial financial hardship due, directly or indirectly, to
15 the coronavirus disease 2019 (COVID–19) pan-
16 demic.”.

17 (5) EXPANDED ELIGIBILITY FOR CHAPTER
18 13.—Section 109(e) of title 11, United States Code,
19 is amended—

20 (A) by striking “\$250,000” each place the
21 term appears and inserting “\$850,000”; and

22 (B) by striking “\$750,000” each place the
23 term appears and inserting “\$2,600,000”.

24 (6) EXTENDED CURE PERIOD FOR HOME-
25 OWNERS HARMED BY COVID–19 PANDEMIC.—

1 (A) IN GENERAL.—Chapter 13 of title 11,
2 United States Code, is amended by adding at
3 the end thereof the following:

4 **“§ 1331. Special provisions related to COVID–19 pan-**
5 **demic**

6 “(a) Notwithstanding subsections (b)(2) and (d) of
7 section 1322, if the debtor is experiencing or has experi-
8 enced a material financial hardship due, directly or indi-
9 rectly, to the coronavirus disease 2019 (COVID–19) pan-
10 demic, a plan may provide for the curing of any default
11 within a reasonable time, not to exceed 7 years after the
12 time that the first payment under the original confirmed
13 plan was due, and maintenance of payments while the case
14 is pending on any unsecured claim or secured claim on
15 which the last payment is due after the expiration of such
16 time. Any such plan provision shall not affect the applica-
17 ble commitment period under section 1325(b).

18 “(b) For purposes of sections 1328(a) and 1328(b),
19 any cure or maintenance payments under subsection (a)
20 that are made after the end of the period during which
21 the plan provides for payments (other than payments
22 under subsection (a)) shall not be treated as payments
23 under the plan.

24 “(c) Notwithstanding section 1329(c), a plan modi-
25 fied under section 1329 at the debtor’s request may pro-

1 vide for cure or maintenance payments under subsection
2 (a) over a period that is not longer than 7 years after
3 the time that the first payment under the original con-
4 firmed plan was due.

5 “(d) Notwithstanding section 362(c)(2), during the
6 period after the debtor receives a discharge and the period
7 during which the plan provides for the cure of any default
8 and maintenance of payments under the plan, section
9 362(a) shall apply to the holder of a claim for which a
10 default is cured and payments are maintained under sub-
11 section (a) and to any property securing such claim.

12 “(e) Notwithstanding section 1301(a)(2), the stay of
13 section 1301(a) terminates upon the granting of a dis-
14 charge under section 1328 with respect to all creditors
15 other than the holder of a claim for which a default is
16 cured and payments are maintained under subsection
17 (a).”.

18 (B) TABLE OF CONTENTS.—The table of
19 sections of chapter 13, title 11, United States
20 Code, is amended by adding at the end thereof
21 the following:

“Sec. 1331. Special provisions related to COVID–19 Pandemic.”.

22 (C) APPLICATION.—The amendments
23 made by this paragraph shall apply only to any
24 case under title 11, United States Code, com-
25 menced before 3 years after the date of enact-

1 ment of this Act and pending on or commenced
2 after such date of enactment, in which a plan
3 under chapter 13 of title 11, United States
4 Code, was not confirmed before March 27,
5 2020.

6 **SEC. 110204. LIQUIDITY FOR MORTGAGE SERVICERS AND**
7 **RESIDENTIAL RENTAL PROPERTY OWNERS.**

8 (a) IN GENERAL.—Section 4003 of the CARES Act
9 (15 U.S.C. 9042), is amended by adding at the end the
10 following:

11 “(i) LIQUIDITY FOR MORTGAGE SERVICERS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary shall ensure that servicers of covered
14 mortgage loans (as defined under section 4022) and
15 multifamily mortgage loans (as defined under sec-
16 tion 4023) are provided the opportunity to partici-
17 pate in the loans, loan guarantees, or other invest-
18 ments made by the Secretary under this section. The
19 Secretary shall ensure that servicers are provided
20 with access to such opportunities under equitable
21 terms and conditions regardless of their size.

22 “(2) MORTGAGE SERVICER ELIGIBILITY.—In
23 order to receive assistance under subsection (b)(4),
24 a mortgage servicer shall—

1 “(A) demonstrate that the mortgage
2 servicer has established policies and procedures
3 to use such funds only to replace funds used for
4 borrower assistance, including to advance funds
5 as a result of forbearance or other loss mitiga-
6 tion provided to borrowers;

7 “(B) demonstrate that the mortgage
8 servicer has established policies and procedures
9 to provide forbearance, post-forbearance loss
10 mitigation, and other assistance to borrowers in
11 compliance with the terms of section 4022 or
12 4023, as applicable;

13 “(C) demonstrate that the mortgage
14 servicer has established policies and procedures
15 to ensure that forbearance and post-forbearance
16 assistance is available to all borrowers in a non-
17 discriminatory fashion and in compliance with
18 the Fair Housing Act, the Equal Credit Oppor-
19 tunity Act, and other applicable fair housing
20 and fair lending laws; and

21 “(D) comply with the limitations on com-
22 pensation set forth in section 4004.

23 “(3) MORTGAGE SERVICER REQUIREMENTS.—A
24 mortgage servicer receiving assistance under sub-
25 section (b)(4) may not, while the servicer is under

1 any obligation to repay funds provided or guaran-
2 teed under this section—

3 “(A) pay dividends with respect to the
4 common stock of the mortgage servicer or pur-
5 chase an equity security of the mortgage
6 servicer or any parent company of the mortgage
7 servicer if the security is listed on a national se-
8 curities exchange, except to the extent required
9 under a contractual obligation that is in effect
10 on the date of enactment of this subsection; or

11 “(B) prepay any debt obligation.”.

12 (b) CREDIT FACILITY FOR RESIDENTIAL RENTAL
13 PROPERTY OWNERS.—

14 (1) IN GENERAL.—The Board of Governors of
15 the Federal Reserve System shall—

16 (A) establish a facility, using amounts
17 made available under section 4003(b)(4) of the
18 CARES Act (15 U.S.C. 9042(b)(4)), to make
19 long-term, low-cost loans to residential rental
20 property owners as to temporarily compensate
21 such owners for documented financial losses
22 caused by reductions in rent payments; and

23 (B) defer such owners’ required payments
24 on such loans until after six months after the
25 date of enactment of this Act.

1 (2) REQUIREMENTS.—A borrower that receives
2 a loan under this subsection may not, for the dura-
3 tion of the loan—

4 (A) evict or initiate the eviction of a tenant
5 solely for nonpayment of rent or other fees or
6 charges;

7 (B) charge any late fees, penalties, or
8 other charges to a tenant for late payment of
9 rent; and

10 (C) with respect to a person or entity de-
11 scribed under paragraph (4), discriminate on
12 the basis of source of income.

13 (3) REPORT ON RESIDENTIAL RENTAL PROP-
14 erty OWNERS.—The Board of Governors shall issue
15 a report to the Congress containing the following,
16 with respect to each property owner receiving a loan
17 under this subsection:

18 (A) The number of borrowers that received
19 assistance under this subsection.

20 (B) The average total loan amount that
21 each borrower received.

22 (C) The total number of rental units that
23 each borrower owned.

24 (D) The average rent charged by each bor-
25 rower.

1 (4) REPORT ON LARGE RESIDENTIAL RENTAL
2 PROPERTY OWNERS.—The Board of Governors shall
3 issue a report to Congress that identifies any person
4 or entity that in aggregate owns or holds a control-
5 ling interest in any entity that, in aggregate, owns—

6 (A) more than 100 rental units that are lo-
7 cated within in a single Metropolitan Statistical
8 Area;

9 (B) more than 1,000 rental units nation-
10 wide; or

11 (C) rental units in three or more States.

12 (e) AMENDMENTS TO NATIONAL HOUSING ACT.—
13 Section 306(g)(1) of the National Housing Act (12 U.S.C.
14 1721(a)) is amended—

15 (1) in the fifth sentence, by inserting after
16 “issued” the following: “, subject to any pledge or
17 grant of security interest of the Federal Reserve
18 under section 4003(a) of the CARES Act (Public
19 Law 116-136; 134 Stat. 470; 15 U.S.C. 9042(a))
20 and to any such mortgage or mortgages or any in-
21 terest therein and the proceeds thereon, which the
22 Association may elect to approve”; and

23 (2) in the sixth sentence—

24 (A) by striking “or (C)” and inserting
25 “(C)”; and

1 (B) by inserting before the period the fol-
2 lowing: “, or (D) its approval and honoring of
3 any pledge or grant of security interest of the
4 Federal Reserve under section 4003(a) of the
5 CARES Act and to any such mortgage or mort-
6 gages or any interest therein and proceeds
7 thereon as”.

8 **SEC. 110205. RURAL RENTAL ASSISTANCE.**

9 There is authorized to be appropriated for fiscal year
10 2020 \$309,000,000 for rural rental assistance, which shall
11 remain available until September 30, 2021, of which—

12 (1) up to \$25,000,000 million may be used for
13 an additional amount for rural housing vouchers for
14 any low-income households (including those not re-
15 ceiving rental assistance) residing in a property fi-
16 nanced with a section 515 loan which has been pre-
17 paid after September 30, 2005, or has matured after
18 September 30, 2019; and

19 (2) the remainder shall be used for an addi-
20 tional amount for rural rental assistance agreements
21 entered into or renewed pursuant to section
22 521(a)(2) of the Housing Act of 1949 (42 U.S.C.
23 1490a(a)(2)) to—

1 (A) supplement the rental assistance of
2 households on whose behalf assistance is being
3 provided; and

4 (B) provide rental assistance on behalf of
5 households who are not being assisted with such
6 rental assistance but who qualify for such as-
7 sistance.

8 **SEC. 110206. FUNDING FOR PUBLIC HOUSING AND TENANT-**
9 **BASED RENTAL ASSISTANCE.**

10 (a) PUBLIC HOUSING OPERATING FUND.—There is
11 authorized to be appropriated for an additional amount
12 for fiscal year 2020 for the Public Housing Operating
13 Fund under section 9(e) of the United States Housing Act
14 of 1937 (42 U.S.C. 1437g(e)) \$2,000,000,000, to remain
15 available until September 30, 2021.

16 (b) TENANT-BASED SECTION 8 RENTAL ASSIST-
17 ANCE.—There is authorized to be appropriated for an ad-
18 ditional amount for fiscal year 2020 for the tenant-based
19 rental assistance under section 8(o) of the United States
20 Housing Act of 1937 (42 U.S.C. 1437f(o))
21 \$3,000,000,000, to remain available until September 30,
22 2021, of which not more than \$500,000,000 may be used
23 for administrative fees under section 8(q) of such Act (42
24 U.S.C. 1437f(q)).

1 (c) APPLICABILITY OF WAIVERS.—Any waiver or al-
2 ternative requirement made by the Secretary of Housing
3 and Urban Development pursuant to the heading “Ten-
4 ant-Based Rental Assistance” or “Public Housing Oper-
5 ating Fund” in title XII of division B of the CARES Act
6 (Public Law 116-136) shall apply with respect to amounts
7 made available pursuant to this section.

8 **SEC. 110207. SUPPLEMENTAL FUNDING FOR SUPPORTIVE**
9 **HOUSING FOR THE ELDERLY, SUPPORTIVE**
10 **HOUSING FOR PERSONS WITH DISABILITIES,**
11 **SUPPORTIVE HOUSING FOR PERSONS WITH**
12 **AIDS, AND PROJECT-BASED SECTION 8 RENT-**
13 **AL ASSISTANCE.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$500,000,000 for fiscal year
16 2020 for additional assistance for supportive housing for
17 the elderly, of which—

18 (1) \$200,000,000 shall be for rental assistance
19 under section 202 of the Housing Act of 1959 (12
20 U.S.C. 1701q) or section 8 of the United States
21 Housing Act of 1937 (42 U.S.C. 1437f), as appro-
22 priate, and for hiring additional staff and for serv-
23 ices and costs, including acquiring personal protec-
24 tive equipment, to prevent, prepare for, or respond
25 to the public health emergency relating to

1 Coronavirus Disease 2019 (COVID-19) pandemic;
2 and

3 (2) \$300,000,000 shall be for grants under sec-
4 tion 676 of the Housing and Community Develop-
5 ment Act of 1992 (42 U.S.C. 13632) for costs of
6 providing service coordinators for purposes of coordi-
7 nating services to prevent, prepare for, or respond to
8 the public health emergency relating to Coronavirus
9 Disease 2019 (COVID-19).

10 Any provisions of, and waivers and alternative require-
11 ments issued by the Secretary pursuant to, the heading
12 “Department of Housing and Urban Development—Hous-
13 ing Programs—Housing for the Elderly” in title XII of
14 division B of the CARES Act (Public Law 116-136) shall
15 apply with respect to amounts made available pursuant
16 to this subsection.

17 (b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PER-
18 SONS WITH DISABILITIES.—Subsection (a) of section 676
19 of the Housing and Community Development Act of 1992
20 (42 U.S.C. 13632(a)) shall be applied, for purposes of
21 subsection (a) of this section, by substituting “(G), and
22 (H)” for “ and (G)”.

23 (c) SERVICE COORDINATORS.—

24 (1) HIRING.—In the hiring of staff using
25 amounts made available pursuant to this section for

1 costs of providing service coordinators, grantees
2 shall consider and hire, at all levels of employment
3 and to the greatest extent possible, a diverse staff,
4 including by race, ethnicity, gender, and disability
5 status. Each grantee shall submit a report to the
6 Secretary of Housing and Urban Development de-
7 scribing compliance with the preceding sentence not
8 later than the expiration of the 120-day period that
9 begins upon the termination of the emergency de-
10 clared on March 13, 2020, by the President under
11 the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
13 ing to the Coronavirus Disease 2019 (COVID-19)
14 pandemic.

15 (2) ONE-TIME GRANTS.—Grants made using
16 amounts made available pursuant to subsection (a)
17 for costs of providing service coordinators shall not
18 be renewable.

19 (3) ONE-YEAR AVAILABILITY.—Any amounts
20 made available pursuant to this section for costs of
21 providing service coordinators that are allocated for
22 a grantee and remain unexpended upon the expira-
23 tion of the 12-month period beginning upon such al-
24 location shall be recaptured by the Secretary.

1 (d) FUNDING FOR SUPPORTIVE HOUSING FOR PER-
2 SONS WITH DISABILITIES.—There is authorized to be ap-
3 propriated \$200,000,000 for fiscal year 2020 for addi-
4 tional assistance for supportive housing for persons with
5 disabilities under section 811 of the Cranston-Gonzalez
6 National Affordable Housing Act (42 U.S.C. 8013). Any
7 provisions of, and waivers and alternative requirements
8 issued by the Secretary pursuant to, the heading “Depart-
9 ment of Housing and Urban Development—Housing Pro-
10 grams—Housing for Persons With Disabilities” in title
11 XII of division B of the CARES Act (Public Law 116-
12 136) shall apply with respect to amounts made available
13 pursuant to this subsection.

14 (e) FUNDING FOR HOUSING OPPORTUNITIES FOR
15 PEOPLE WITH AIDS PROGRAM.—There is authorized to
16 be appropriated \$15,000,000 for fiscal year 2020 for addi-
17 tional assistance for the Housing Opportunities for Per-
18 sons with AIDS program under the AIDS Housing Oppor-
19 tunity Act (42 U.S.C. 12901 et seq.). Any provisions of,
20 and waivers and alternative requirements issued by the
21 Secretary pursuant to, the heading “Department of Hous-
22 ing and Urban Development—Community Planning and
23 Development—Housing Opportunities for Persons With
24 AIDS” in title XII of division B of the CARES Act (Pub-

1 lie Law 116-136) shall apply with respect to amounts
2 made available pursuant to this subsection.

3 (f) FUNDING FOR PROJECT-BASED SECTION 8 RENT-
4 AL ASSISTANCE.—There is authorized to be appropriated
5 \$750,000,000 for fiscal year 2020 for additional assist-
6 ance for project-based rental assistance under section 8
7 of the United States Housing Act of 1937 (42 U.S.C.
8 1437f). Any provisions of, and waivers and alternative re-
9 quirements issued by the Secretary pursuant to, the head-
10 ing “Department of Housing and Urban Development—
11 Housing Programs—Project-Based Rental Assistance” in
12 title XII of division B of the CARES Act (Public Law
13 116-136) shall apply with respect to amounts made avail-
14 able pursuant to this subsection.

15 **SEC. 110208. FAIR HOUSING.**

16 (a) DEFINITION OF COVID–19 EMERGENCY PE-
17 RIOD.— For purposes of this Act, the term “COVID–19
18 emergency period” means the period that begins upon the
19 date of the enactment of this Act and ends upon the date
20 of the termination by the Federal Emergency Manage-
21 ment Agency of the emergency declared on March 13,
22 2020, by the President under the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42 U.S.C.
24 4121 et seq.) relating to the Coronavirus Disease 2019
25 (COVID–19) pandemic.

1 (b) FAIR HOUSING ACTIVITIES.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—To
3 ensure existing grantees have sufficient resource for
4 fair housing activities and for technology and equip-
5 ment needs to deliver services through use of the
6 Internet or other electronic or virtual means in re-
7 sponse to the public health emergency related to the
8 Coronavirus Disease 2019 (COVID-19) pandemic,
9 there is authorized to be appropriated \$4,000,000
10 for Fair Housing Organization Initiative grants
11 through the Fair Housing Initiatives Program under
12 section 561 of the Housing and Community Devel-
13 opment Act of 1987 (42 U.S.C. 3616a).

14 (2) 3-YEAR AVAILABILITY.—Any amounts made
15 available pursuant paragraph (1) that are allocated
16 for a grantee and remain unexpended upon the expi-
17 ration of the 3-year period beginning upon such allo-
18 cation shall be recaptured by the Secretary.

19 (c) FAIR HOUSING EDUCATION.—There is authorized
20 to be appropriated \$10,000,000 for the Office of Fair
21 Housing and Equal Opportunity of the Department of
22 Housing and Urban Development to carry out a national
23 media campaign and local education and outreach to edu-
24 cate the public of increased housing rights during

1 COVID–19 emergency period, that provides that informa-
2 tion and materials used in such campaign are available—

3 (1) in the languages used by communities with
4 limited English proficiency; and

5 (2) to persons with disabilities.

6 **SEC. 110209. FUNDING FOR HOUSING COUNSELING SERV-**
7 **ICES.**

8 (a) CONGRESSIONAL FINDINGS.—The Congress finds
9 that—

10 (1) the spread of Coronavirus Disease 2019
11 (COVID–19), which is now considered a global pan-
12 demic, is expected to negatively impact the incomes
13 of potentially millions of homeowners, renters, indi-
14 viduals experiencing homelessness, and individuals at
15 risk of homelessness, making it difficult for them to
16 pay their mortgages or rents on time;

17 (2) housing counseling is critical to ensuring
18 that homeowners, renters, individuals experiencing
19 homelessness, and individuals at risk of homeless-
20 ness have the resources they need to manage finan-
21 cial hardships from the COVID-19 crisis;

22 (3) loan preservation and foreclosure mitigation
23 services are also critical to address the needs of
24 homeowners who lose employment and income be-
25 cause of the pandemic and who face serious delin-

1 quency or home loan default, or are in foreclosing
2 proceedings during this period;

3 (4) evaluations from the National Foreclosure
4 Mitigation Counseling program revealed that home-
5 owners at risk of or facing foreclosure are better
6 served when they have access to a housing counselor
7 and a range of tools and resources to help them
8 avoid losing their home and have the support they
9 need to tailor the best possible response to their sit-
10 uation.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Neighborhood Rein-
13 vestment Corporation (in this section referred to as the
14 “Corporation”) established under the Neighborhood Rein-
15 vestment Corporation Act (42 U.S.C. 8101 et seq.)
16 \$100,000,000 for fiscal year 2020 for housing counseling
17 services, which shall remain available until September 30,
18 2023.

19 (c) PRIORITIZATION OF HOUSING COUNSELING
20 SERVICES.—Of any grant funds made available pursuant
21 to subsection (b), not less than 40 percent shall be pro-
22 vided to counseling organizations that target counseling
23 services to minority and low-income homeowners, renters,
24 individuals experiencing homelessness, and individuals at
25 risk of homelessness or provide such services in neighbor-

1 hoods with high concentrations of minority and low-in-
2 come homeowners, renters, individuals experiencing home-
3 lessness, and individuals at risk of homelessness.

4 (d) ELIGIBLE USES.—Amounts made available pur-
5 suant to subsection (b) may be used in such amounts as
6 the Corporation determines for costs of—

7 (1) public education and outreach;

8 (2) direct services, including the full range of
9 services provided by housing counselors to assist
10 homeowners, including manufactured homeowners,
11 regardless of financing type, renters, individuals ex-
12 perienceing homelessness, and individuals at risk of
13 homelessness, including the practices, tools, and in-
14 novations in foreclosure mitigation that were utilized
15 in the National Foreclosure Mitigation Counseling
16 Program, and financial capability, credit counseling,
17 homeless counseling, and rental counseling;

18 (3) equipment and technology, including
19 broadband internet and equipment upgrades needed
20 to ensure timely and effective service delivery;

21 (4) training, including capacitating housing
22 counseling staff in various modes of counseling, in-
23 cluding rental and foreclosure, delivery of remote
24 counseling utilizing improved technology, enhanced

1 network security, and supportive options for the de-
2 livery of client services; and

3 (5) administration and oversight of the program
4 in accordance with the Corporation's rate for pro-
5 gram administration.

6 (e) DISBURSEMENT.—The Corporation shall disburse
7 all grant funds made available pursuant to subsection (b)
8 as expeditiously as possible, through grants to housing
9 counseling intermediaries approved by the Department of
10 Housing and Urban Development, State housing finance
11 agencies, and NeighborWorks organizations. The aggre-
12 gate amount provided to NeighborWorks organizations
13 shall not exceed 15 percent of the total of grant funds
14 made available pursuant to subsection (b).

15 TITLE III—PROTECTING PEOPLE

16 EXPERIENCING HOMELESSNESS

17 **SEC. 110301. HOMELESS ASSISTANCE FUNDING.**

18 (a) EMERGENCY HOMELESS ASSISTANCE.—

19 (1) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated under the
21 Emergency Solutions Grants program under subtitle
22 B of title IV of the McKinney-Vento Homeless As-
23 sistance Act (42 U.S.C. 11371 et seq.)
24 \$11,500,000,000 for grants under such subtitle in
25 accordance with this subsection to respond to needs

1 arising from the public health emergency relating to
2 Coronavirus Disease 2019 (COVID-19). Of such
3 amounts made available, \$4,000,000,000 shall be al-
4 located in accordance with sections 413 and 414 of
5 the McKinney-Vento Homeless Assistance Act (42
6 U.S.C. 11372, 11373).

7 (2) FORMULA.—Notwithstanding sections 413
8 and 414 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11372, 11373), the Secretary
10 of Housing and Urban Development (in this Act re-
11 ferred to as the “Secretary”) shall allocate any
12 amounts remaining after amounts are allocated pur-
13 suant to paragraph (1) in accordance with a formula
14 to be established by the Secretary that takes into
15 consideration the following factors:

16 (A) Risk of transmission of coronavirus in
17 a jurisdiction.

18 (B) Whether a jurisdiction has a high
19 number or rate of sheltered and unsheltered
20 homeless individuals and families.

21 (C) Economic and housing market condi-
22 tions in a jurisdiction.

23 (3) ELIGIBLE ACTIVITIES.—In addition to eligi-
24 ble activities under section 415(a) of the McKinney-
25 Vento Homeless Assistance Act (42 U.S.C.

1 11374(a), amounts made available pursuant to para-
2 graph (1) may also be used for costs of the following
3 activities:

4 (A) Providing training on infectious dis-
5 ease prevention and mitigation.

6 (B) Providing hazard pay, including for
7 time worked before the effectiveness of this sub-
8 paragraph, for staff working directly to prevent
9 and mitigate the spread of coronavirus or
10 COVID-19 among people experiencing or at
11 risk of homelessness.

12 (C) Reimbursement of costs for eligible ac-
13 tivities (including activities described in this
14 paragraph) relating to preventing, preparing
15 for, or responding to the coronavirus or
16 COVID-19 that were accrued before the date of
17 the enactment of this Act.

18 (D) Notwithstanding 24 CFR
19 576.102(a)(3), providing a hotel or motel
20 voucher for a homeless individual or family.

21 Use of such amounts for activities described in this
22 paragraph shall not be considered use for adminis-
23 trative purposes for purposes of section 418 of the
24 McKinney-Vento Homeless Assistance Act (42
25 U.S.C. 11377).

1 (4) INAPPLICABILITY OF PROCUREMENT
2 STANDARDS.—To the extent amounts made available
3 pursuant to paragraph (1) are used to procure goods
4 and services relating to activities to prevent, prepare
5 for, or respond to the coronavirus or COVID-19, the
6 standards and requirements regarding procurement
7 that are otherwise applicable shall not apply.

8 (5) INAPPLICABILITY OF HABITABILITY AND
9 ENVIRONMENTAL REVIEW STANDARDS.—Any Fed-
10 eral standards and requirements regarding habit-
11 ability and environmental review shall not apply with
12 respect to any emergency shelter that is assisted
13 with amounts made available pursuant to paragraph
14 (1) and has been determined by a State or local
15 health official, in accordance with such requirements
16 as the Secretary shall establish, to be necessary to
17 prevent and mitigate the spread of coronavirus or
18 COVID-19, such shelters.

19 (6) INAPPLICABILITY OF CAP ON EMERGENCY
20 SHELTER ACTIVITIES.—Subsection (b) of section
21 415 of the McKinney-Vento Homeless Assistance
22 Act shall not apply to any amounts made available
23 pursuant to paragraph (1) of this subsection.

24 (7) INITIAL ALLOCATION OF ASSISTANCE.—Sec-
25 tion 417(b) of the McKinney-Vento Homeless Assist-

1 ance Act (42 U.S.C. 11376(b)) shall be applied with
2 respect to amounts made available pursuant to para-
3 graph (1) of this subsection by substituting “30-
4 day” for “60-day”.

5 (8) WAIVERS AND ALTERNATIVE REQUIRE-
6 MENTS.—

7 (A) AUTHORITY.—In administering
8 amounts made available pursuant to paragraph
9 (1), the Secretary may waive, or specify alter-
10 native requirements for, any provision of any
11 statute or regulation (except for any require-
12 ments related to fair housing, nondiscrimina-
13 tion, labor standards, and the environment)
14 that the Secretary administers in connection
15 with the obligation or use by the recipient of
16 such amounts, if the Secretary finds that good
17 cause exists for the waiver or alternative re-
18 quirement and such waiver or alternative re-
19 quirement is consistent with the purposes de-
20 scribed in this subsection.

21 (B) NOTIFICATION.—The Secretary shall
22 notify the public through the Federal Register
23 or other appropriate means 5 days before the
24 effective date of any such waiver or alternative
25 requirement, and any such public notice may be

1 provided on the Internet at the appropriate
2 Government web site or through other elec-
3 tronic media, as determined by the Secretary.

4 (C) EXEMPTION.—The use of amounts
5 made available pursuant to paragraph (1) shall
6 not be subject to the consultation, citizen par-
7 ticipation, or match requirements that other-
8 wise apply to the Emergency Solutions Grants
9 program, except that a recipient shall publish
10 how it has and will utilize its allocation at a
11 minimum on the Internet at the appropriate
12 Government web site or through other elec-
13 tronic media.

14 (9) INAPPLICABILITY OF MATCHING REQUIRE-
15 MENT.—Subsection (a) of section 416 of the McKin-
16 ney-Vento Homeless Assistance Act (42 U.S.C.
17 11375(a)) shall not apply to any amounts made
18 available pursuant to paragraph (1) of this sub-
19 section.

20 (10) PROHIBITION ON PREREQUISITES.—None
21 of the funds authorized under this subsection may
22 be used to require people experiencing homelessness
23 to receive treatment or perform any other pre-
24 requisite activities as a condition for receiving shel-
25 ter, housing, or other services.

1 (b) CONTINUUM OF CARE PROGRAM.—Due to the
2 emergency relating to the Coronavirus Disease 2019
3 (COVID-19) pandemic, the Notice of Funding Availability
4 (NOFA) for fiscal year 2020 for the Continuum of Care
5 program under subtitle C of title IV of the McKinney-
6 Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.)
7 shall have no force or effect and the Secretary of Housing
8 and Urban Development shall distribute amounts made
9 available for such fiscal year for such program based on
10 the results of the competition for amounts made available
11 for such program for fiscal year 2019 (FR-6300--25), ex-
12 cept that grant amounts may be adjusted to account for
13 changes in fair market rents.

14 **SEC. 110302. EMERGENCY RENTAL ASSISTANCE VOUCHER**
15 **PROGRAM.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary of Housing
18 and Urban Development (in this section referred to as the
19 “Secretary”), \$1,000,000,000 for fiscal year 2020, to re-
20 main available until expended, for incremental emergency
21 vouchers under subsection (b).

22 (b) EMERGENCY VOUCHERS.—

23 (1) IN GENERAL.—The Secretary shall provide
24 emergency rental assistance vouchers under this sub-
25 section, which shall be tenant-based rental assistance

1 under section 8(o) the United States Housing Act of
2 1937 (42 U.S.C. 1437f(o)).

3 (2) SELECTION OF FAMILIES.—

4 (A) MANDATORY PREFERENCES.—Each
5 public housing agency administering assistance
6 under this section shall provide preference for
7 such assistance to eligible families that are—

8 (i) homeless (as such term is defined
9 in section 103(a) of the McKinney-Vento
10 Homeless Assistance Act (42 U.S.C.
11 11302(a));

12 (ii) at risk of homelessness (as such
13 term is defined in section 401 of the
14 McKinney-Vento Homeless Assistance Act
15 (42 U.S.C. 11360); or

16 (iii) fleeing, or attempting to flee, do-
17 mestic violence, dating violence, sexual as-
18 sault, or stalking.

19 (B) ALLOCATION.—In allocating amounts
20 made available under this section, the Secretary
21 shall—

22 (i) not later than 60 days after the
23 date of the enactment of this Act, allocate
24 at least 50 percent of such amounts to

1 public housing agencies in accordance with
2 a formula that considers—

3 (I) the capability of public hous-
4 ing agencies to promptly use emer-
5 gency vouchers provided under this
6 section; and

7 (II) the need for emergency
8 vouchers provided under this section
9 in the geographical area, based on
10 factors determined by the Secretary,
11 including risk of transmission of
12 coronavirus, high numbers or rates of
13 sheltered and unsheltered homeless-
14 ness, and economic and housing mar-
15 ket conditions;

16 (ii) allocate remaining amounts in ac-
17 cordance with a formula that considers—

18 (I) the criteria under clause (i)
19 and the success of a public housing
20 agency in promptly utilizing vouchers
21 awarded under clause (i); and

22 (II) the capability of the public
23 housing agency to create and manage
24 structured partnerships with service

1 providers for the delivery of appro-
2 priate community-based services; and
3 (iii) designate the number of vouchers
4 under this section that each public housing
5 agency that is awarded funds under this
6 section is authorized to administer.

7 (C) ELECTION NOT TO ADMINISTER.—If a
8 public housing agency elects not to administer
9 amounts under this section, the Secretary shall
10 award such amounts to other public housing
11 agencies according to the criteria in subpara-
12 graph (B).

13 (D) FAILURE TO USE VOUCHERS PROMPT-
14 LY.—If a public housing agency fails to issue
15 all of its authorized vouchers under this section
16 on behalf of eligible families within a reasonable
17 period of time as determined by the Secretary,
18 the Secretary shall reallocate any unissued
19 vouchers and associated funds to others public
20 housing agencies according to the criteria under
21 subparagraph (B)(ii).

22 (3) WAIVERS AND ALTERNATIVE REQUIRE-
23 MENTS.—Any waiver or alternative requirement that
24 the Secretary makes available to all public housing
25 agencies in connection with assistance made avail-

1 able under the heading “Tenant-Based Rental As-
2 sistance” in title XII of division B of the CARES
3 Act (Public Law 116-136; 134 Stat.601) shall apply
4 to assistance under this section until the expiration
5 of such waiver or alternative requirement.

6 (4) TERMINATION OF VOUCHERS UPON TURN-
7 OVER.—

8 (A) IN GENERAL.—A public housing agen-
9 cy may not reissue any vouchers made available
10 under this section when assistance for the fam-
11 ily initially assisted is terminated.

12 (B) REALLOCATION.—Upon termination of
13 assistance for one or more families assisted by
14 a public housing agency under this section, the
15 Secretary shall reallocate amounts that are no
16 longer needed by such public housing agency
17 for assistance under this section to another
18 public housing agency for the renewal of vouch-
19 ers previously authorized under this section.

1 TITLE IV—SUSPENDING NEGATIVE CREDIT RE-
2 PORTING AND STRENGTHENING CON-
3 SUMER AND INVESTOR PROTECTIONS

4 **SEC. 110401. REPORTING OF INFORMATION DURING MAJOR**
5 **DISASTERS.**

6 (a) IN GENERAL.—The CARES Act (Public Law
7 116–136) is amended by striking section 4021 and insert-
8 ing the following:

9 **“SEC. 4021. REPORTING OF INFORMATION DURING MAJOR**
10 **DISASTERS.**

11 “(a) PURPOSE.—The purpose of this Act, and the
12 amendments made by this Act, is to protect consumers’
13 credit from negative impacts as a result of financial hard-
14 ship due to the coronavirus disease (COVID–19) outbreak
15 and future major disasters.

16 “(b) REPORTING OF INFORMATION DURING MAJOR
17 DISASTERS.—

18 “(1) IN GENERAL.—The Fair Credit Reporting
19 Act is amended by inserting after section 605B the
20 following:

21 **“§ 605C. Reporting of information during major dis-**
22 **asters**

23 “(a) DEFINITIONS.—In this section:

24 “(1) CONSUMER.—With respect to a covered
25 period, the term “consumer” shall only include a

1 consumer who is a resident of the affected area cov-
2 ered by the applicable disaster or emergency declara-
3 tion.

4 ““(2) COVERED MAJOR DISASTER PERIOD.—
5 The term “covered major disaster period” means the
6 period—

7 ““(A) beginning on the date on which a
8 major disaster is declared by the President
9 under—

10 ““(i) section 401 of the Robert T.
11 Stafford Disaster Relief and Emergency
12 Assistance Act (42 U.S.C. 5170), under
13 which assistance is authorized under sec-
14 tion 408 of such Act (42 U.S.C. 5174); or

15 ““(ii) section 501 of such Act; and

16 ““(B) ending on the date that is 120 days
17 after the end of the incident period for such
18 disaster.

19 ““(3) COVERED PERIOD.—The term “covered
20 period” means the COVID–19 emergency period or
21 a covered major disaster period.

22 ““(4) COVID–19 EMERGENCY PERIOD.—The
23 term “COVID–19 emergency period” means the pe-
24 riod beginning on March 13, 2020 (the date the
25 President declared the emergency under section 501

1 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
3 ing to the Coronavirus Disease 2019 (COVID-19)
4 pandemic) and ending on the later of—

5 ““(A) 120 days after the date of enact-
6 ment of this section; or

7 ““(B) 120 days after the end of the inci-
8 dent period for such emergency.

9 ““(5) MAJOR DISASTER.—The term “major dis-
10 aster” means a major disaster declared by the Presi-
11 dent under—

12 ““(A) section 401 of the Robert T. Staf-
13 ford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5170), under which assistance
15 is authorized under section 408 of such Act (42
16 U.S.C. 5174); or

17 ““(B) section 501 of such Act.

18 ““(b) MORATORIUM ON FURNISHING ADVERSE IN-
19 FORMATION DURING COVERED PERIOD.—No person may
20 furnish any adverse item of information (except informa-
21 tion related to a felony criminal conviction) relating to a
22 consumer that was the result of any action or inaction that
23 occurred during a covered period.

24 ““(c) INFORMATION EXCLUDED FROM CONSUMER
25 REPORTS.—In addition to the information described in

1 section 605(a), no consumer reporting agency may make
2 any consumer report containing an adverse item of infor-
3 mation (except information related to a felony criminal
4 conviction) relating to a consumer that was the result of
5 any action or inaction that occurred during a covered pe-
6 riod.

7 ““(d) SUMMARY OF RIGHTS.—Not later than 60 days
8 after the date of enactment of this section, the Director
9 of the Bureau shall update the model summary of rights
10 under section 609(c)(1) to include a description of the
11 right of a consumer to—

12 ““(1) request the deletion of adverse items of
13 information under subsection (e); and

14 ““(2) request a consumer report or score, with-
15 out charge to the consumer, under subsection (f).

16 ““(e) DELETION OF ADVERSE ITEMS OF INFORMA-
17 TION RESULTING FROM THE CORONAVIRUS DISEASE
18 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

19 ““(1) REPORTING.—

20 ““(A) IN GENERAL.—Not later than 60
21 days after the date of enactment of this sub-
22 section, the Director of the Bureau shall create
23 a website for consumers to report, under pen-
24 alty of perjury, economic hardship as a result of
25 the coronavirus disease (COVID–19) outbreak

1 or a major disaster for the purpose of providing
2 credit report protections under this subsection.

3 “(B) DOCUMENTATION.—The Director of
4 the Bureau shall—

5 “(i) not require any documentation
6 from a consumer to substantiate the eco-
7 nomic hardship; and

8 “(ii) provide notice to the consumer
9 that a report under subparagraph (A) is
10 under penalty of perjury.

11 “(C) REPORTING PERIOD.—A consumer
12 may report economic hardship under subpara-
13 graph (A) during a covered period and for 60
14 days thereafter.

15 “(2) DATABASE.—The Director of the Bureau
16 shall establish and maintain a secure database
17 that—

18 “(A) is accessible to each consumer re-
19 porting agency described in section 603(p) and
20 nationwide specialty consumer reporting agency
21 for purposes of fulfilling their duties under
22 paragraph (3) to check and automatically delete
23 any adverse item of information (except infor-
24 mation related to a felony criminal conviction)

1 reported that occurred during a covered period
2 with respect to a consumer; and

3 “(B) contains the information reported
4 under paragraph (1).

5 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
6 MATION BY NATIONWIDE CONSUMER REPORTING
7 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
8 ING AGENCIES.—

9 “(A) IN GENERAL.—Each consumer re-
10 porting agency described in section 603(p) and
11 each nationwide specialty consumer reporting
12 agency shall, using the information contained in
13 the database established under paragraph (2),
14 delete from the file of each consumer named in
15 the database each adverse item of information
16 (except information related to a felony criminal
17 conviction) that was a result of an action or in-
18 action that occurred during a covered period or
19 in the 270-day period following the end of a
20 covered period.

21 “(B) TIMELINE.—Each consumer report-
22 ing agency described in section 603(p) and each
23 nationwide specialty consumer reporting agency
24 shall check the database at least weekly and de-
25 delete adverse items of information as soon as

1 practicable after information that is reported
2 under paragraph (1) appears in the database
3 established under paragraph (2).

4 ““(4) REQUEST FOR DELETION OF ADVERSE
5 ITEMS OF INFORMATION.—

6 ““(A) IN GENERAL.—A consumer who has
7 filed a report of economic hardship with the
8 Bureau may submit a request, without charge
9 to the consumer, to a consumer reporting agen-
10 cy described in section 603(p) or nationwide
11 specialty consumer reporting agency to delete
12 from the consumer’s file an adverse item of in-
13 formation (except information related to a fel-
14 ony criminal conviction) that was a result of an
15 action or inaction that occurred during a cov-
16 ered period or in the 270-day period following
17 the end of a covered period.

18 ““(B) TIMING.—A consumer may submit a
19 request under subparagraph (A), not later than
20 the end of the 270-day period described in that
21 subparagraph.

22 ““(C) REMOVAL AND NOTIFICATION.—
23 Upon receiving a request under this paragraph
24 to delete an adverse item of information, a con-
25 sumer reporting agency described in section

1 603(p) or nationwide specialty consumer report-
2 ing agency shall—

3 “(i) delete the adverse item of infor-
4 mation (except information related to a fel-
5 ony criminal conviction) from the con-
6 sumer’s file; and

7 “(ii) notify the consumer and the
8 furnisher of the adverse item of informa-
9 tion of the deletion.

10 “(f) FREE CREDIT REPORT AND SCORES.—

11 “(1) IN GENERAL.—During the period between
12 the beginning of a covered period and ending 12-
13 months after the end of the covered period, each
14 consumer reporting agency described under section
15 603(p) and each nationwide specialty consumer re-
16 porting agency shall make all disclosures described
17 under section 609 upon request by a consumer, by
18 mail or online, without charge to the consumer and
19 without limitation as to the number of requests.
20 Such a consumer reporting agency shall also supply
21 a consumer, upon request and without charge, with
22 a credit score that—

23 “(A) is derived from a credit scoring
24 model that is widely distributed to users by the
25 consumer reporting agency for the purpose of

1 any extension of credit or other transaction des-
2 igned by the consumer who is requesting the
3 credit score; or

4 “(B) is widely distributed to lenders of
5 common consumer loan products and predicts
6 the future credit behavior of a consumer.

7 “(2) TIMING.—A file disclosure or credit score
8 under paragraph (1) shall be provided to the con-
9 sumer not later than—

10 “(A) 7 days after the date on which the
11 request is received if the request is made by
12 mail; and

13 “(B) not later than 15 minutes if the re-
14 quest is made online.

15 “(3) ADDITIONAL REPORTS.—A file disclosure
16 provided under paragraph (1) shall be in addition to
17 any disclosure requested by the consumer under sec-
18 tion 612(a).

19 “(4) PROHIBITION.—A consumer reporting
20 agency that receives a request under paragraph (1)
21 may not request or require any documentation from
22 the consumer that demonstrates that the consumer
23 was impacted by the coronavirus disease (COVID-
24 19) outbreak or a major disaster (except to verify
25 that the consumer is a resident of the affected area

1 covered by the applicable disaster or emergency dec-
2 laration) as a condition of receiving the file disclo-
3 sure or score.

4 ““(g) POSTING OF RIGHTS.—Not later than 30 days
5 after the date of enactment of this section, each consumer
6 reporting agency described under section 603(p) and each
7 nationwide specialty consumer reporting agency shall
8 prominently post and maintain a direct link on the home-
9 page of the public website of the consumer reporting agen-
10 cy information relating to the right of consumers to—

11 ““(1) request the deletion of adverse items of
12 information (except information related to a felony
13 criminal conviction) under subsection (e); and

14 ““(2) request consumer file disclosures and
15 scores, without charge to the consumer, under sub-
16 section (f).

17 ““(h) BAN ON REPORTING MEDICAL DEBT INFOR-
18 MATION RELATED TO COVID–19 OR A MAJOR DIS-
19 ASTER.—

20 ““(1) FURNISHING BAN.—No person shall fur-
21 nish adverse information to a consumer reporting
22 agency related to medical debt if such medical debt
23 is with respect to medical expenses related to treat-
24 ments arising from COVID–19 or a major disaster

1 (whether or not the expenses were incurred during
2 a covered period).

3 ““(2) CONSUMER REPORT BAN.—No consumer
4 reporting agency may make a consumer report con-
5 taining adverse information related to medical debt
6 if such medical debt is with respect to medical ex-
7 penses related to treatments arising from COVID-
8 19 or a major disaster (whether or not the expenses
9 were incurred during a covered period).

10 ““(i) CREDIT SCORING MODELS.—A person that cre-
11 ates and implements credit scoring models may not treat
12 the absence, omission, or deletion of any information pur-
13 suant to this section as a negative factor or negative value
14 in credit scoring models created or implemented by such
15 person.’.

16 ““(2) TECHNICAL AND CONFORMING AMEND-
17 MENT.—The table of contents for the Fair Credit
18 Reporting Act is amended by inserting after the
19 item relating to section 605B the following:

“‘605C. Reporting of information during major disasters.’.

20 **“SEC. 4021A. LIMITATIONS ON NEW CREDIT SCORING MOD-**
21 **ELS DURING THE COVID-19 EMERGENCY AND**
22 **MAJOR DISASTERS.**

23 “‘The Fair Credit Reporting Act (15 U.S.C. 1681 et
24 seq.) is amended—

25 ““(1) by adding at the end the following:

1 **“§ 630. Limitations on new credit scoring models**
2 **during the COVID-19 emergency and**
3 **major disasters**

4 “With respect to a person that creates and imple-
5 ments credit scoring models, such person may not, during
6 a covered period (as defined under section 605C), create
7 or implement a new credit scoring model (including a revi-
8 sion to an existing scoring model) if the new credit scoring
9 model would identify a significant percentage of con-
10 sumers as being less creditworthy when compared to the
11 previous credit scoring models created or implemented by
12 such person.’; and

13 “(2) in the table of contents for such Act, by
14 adding at the end the following new item:

“‘630. Limitations on new credit scoring models during the COVID-19 emer-
gency and major disasters.’

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 2 of the CARES Act is amended by striking
17 the item relating to section 4021 and inserting the fol-
18 lowing:

“Sec. 4021. Reporting of information during major disasters.

“Sec. 4021A. Limitations on new credit scoring models during the COVID-19
emergency and major disasters.”

19 (c) CONFORMING AMENDMENT.—Subparagraph (F)
20 of section 623(a)(1) of the Fair Credit Reporting Act (15
21 U.S.C. 1681s-2(a)(1)) is hereby repealed.

1 **SEC. 110402. RESTRICTIONS ON COLLECTIONS OF CON-**
2 **SUMER DEBT DURING A NATIONAL DISASTER**
3 **OR EMERGENCY.**

4 (a) IN GENERAL.—The Fair Debt Collection Prac-
5 tices Act (15 U.S.C. 1692 et seq.) is amended by inserting
6 after section 812 (15 U.S.C. 1692j) the following:

7 **“§ 812A. Restrictions on collections of consumer debt**
8 **during a national disaster or emergency**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COVERED PERIOD.—The term ‘covered pe-
11 riod’ means the period beginning on the date of en-
12 actment of this section and ending 120 days after
13 the end of the incident period for the emergency de-
14 clared on March 13, 2020, by the President under
15 section 501 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 4121 et
17 seq.) relating to the Coronavirus Disease 2019
18 (COVID-19) pandemic.

19 “(2) CREDITOR.—The term ‘creditor’ means
20 any person—

21 “(A) who offers or extends credit creating
22 a debt or to whom a debt is owed; or

23 “(B) to whom any obligation for payment
24 is owed.

25 “(3) DEBT.—The term ‘debt’—

1 “(A) means any obligation or alleged obli-
2 gation that is or during the covered period be-
3 comes past due, other than an obligation aris-
4 ing out of a credit agreement entered into after
5 the effective date of this section, that arises out
6 of a transaction with a consumer; and

7 “(B) does not include a mortgage loan.

8 “(4) DEBT COLLECTOR.—The term ‘debt col-
9 lector’ means a creditor and any other person or en-
10 tity that engages in the collection of debt, including
11 the Federal Government and a State government, ir-
12 respective of whether the applicable debt is allegedly
13 owed to or assigned to such creditor, person, or enti-
14 ty.

15 “(5) MORTGAGE LOAN.—The term ‘mortgage
16 loan’ means a covered mortgage loan (as defined
17 under section 4022 of the CARES Act) and a multi-
18 family mortgage loan (as defined under section 4023
19 of the CARES Act).

20 “(b) PROHIBITIONS.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, no debt collector may, during a cov-
23 ered period—

1 “(A) enforce a security interest securing a
2 debt through repossession, limitation of use, or
3 foreclosure;

4 “(B) take or threaten to take any action to
5 deprive an individual of their liberty as a result
6 of nonpayment of or nonappearance at any
7 hearing relating to an obligation owed by a con-
8 sumer;

9 “(C) collect any debt, by way of garnish-
10 ment, attachment, assignment, deduction, off-
11 set, or other seizure, from—

12 “(i) wages, income, benefits, bank,
13 prepaid or other asset accounts; or

14 “(ii) any assets of, or other amounts
15 due to, a consumer;

16 “(D) commence or continue an action to
17 evict a consumer from real or personal property
18 for nonpayment;

19 “(E) disconnect or terminate service from
20 a utility service, including electricity, natural
21 gas, telecommunications or broadband, water,
22 or sewer, for nonpayment; or

23 “(F) threaten to take any of the foregoing
24 actions.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this section may be construed to prohibit a consumer
3 from voluntarily paying, in whole or in part, a debt.

4 “(c) LIMITATION ON FEES AND INTEREST.—After
5 the expiration of a covered period, a debt collector may
6 not add to any past due debt any interest on unpaid inter-
7 est, higher rate of interest triggered by the nonpayment
8 of the debt, or fee triggered prior to the expiration of the
9 covered period by the nonpayment of the debt.

10 “(e) VIOLATIONS.—Any person or government entity
11 that violates this section shall be liable to the applicable
12 consumer as provided under section 813, except that, for
13 purposes of applying section 813—

14 “(1) such person or government entity shall be
15 deemed a debt collector, as such term is defined for
16 purposes of section 813; and

17 “(2) each dollar figure in such section shall be
18 deemed to be 10 times the dollar figure specified.

19 “(f) TOLLING.—Any applicable time limitations for
20 exercising an action prohibited under subsection (b) shall
21 be tolled during a covered period.

22 “(g) PREDISPUTE ARBITRATION AGREEMENTS.—
23 Notwithstanding any other provision of law, no predispute
24 arbitration agreement or predispute joint-action waiver
25 shall be valid or enforceable with respect to a dispute

1 brought under this section, including a dispute as to the
2 applicability of this section, which shall be determined
3 under Federal law.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 for the Fair Debt Collection Practices Act is amended by
6 inserting after the item relating to section 812 the fol-
7 lowing:

“812A. Restrictions on collections of consumer debt during a national disaster
or emergency.”.

8 **SEC. 110403. REPAYMENT PERIOD AND FORBEARANCE FOR**
9 **CONSUMERS.**

10 Section 812A of the Fair Debt Collection Practices
11 Act (15 U.S.C. 1692 et seq.), as added by section 110402,
12 is amended—

13 (1) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) REPAYMENT PERIOD.—After the expiration of
16 a covered period, a debt collector shall comply with the
17 following:

18 “(1) DEBT ARISING FROM CREDIT WITH A DE-
19 FINED PAYMENT PERIOD.—For any debt arising
20 from credit with a defined term, the debt collector
21 shall extend the time period to repay any past due
22 balance of the debt by—

23 “(A) 1 payment period for each payment
24 that a consumer missed during the covered pe-

1 riod, with the payments due in the same
2 amounts and at the same intervals as the pre-
3 existing payment schedule; and

4 “(B) 1 payment period in addition to the
5 payment periods described under subparagraph
6 (A).

7 “(2) DEBT ARISING FROM AN OPEN END CRED-
8 IT PLAN.—For debt arising from an open end credit
9 plan, as defined in section 103 of the Truth in
10 Lending Act (15 U.S.C. 1602), the debt collector
11 shall allow the consumer to repay the past-due bal-
12 ance in a manner that does not exceed the amounts
13 permitted by the methods described in section
14 171(c) of the Truth in Lending Act (15 U.S.C.
15 1666i–1(c)) and regulations promulgated under that
16 section.

17 “(3) DEBT ARISING FROM OTHER CREDIT.—

18 “(A) IN GENERAL.—For debt not de-
19 scribed under paragraph (2) or (3), the debt
20 collector shall—

21 “(i) allow the consumer to repay the
22 past-due balance of the debt in substan-
23 tially equal payments over time; and

24 “(ii) provide the consumer with—

1 “(I) for past due balances of
2 \$2,000 or less, 12 months to repay, or
3 such longer period as the debt col-
4 lector may allow;

5 “(II) for past due balances be-
6 tween \$2,001 and \$5,000, 24 months
7 to repay, or such longer period as the
8 debt collector may allow; or

9 “(III) for past due balances
10 greater than \$5,000, 36 months to
11 repay, or such longer period as the
12 debt collector may allow.

13 “(B) ADDITIONAL PROTECTIONS.—The Di-
14 rector of the Bureau may issue rules to provide
15 greater repayment protections to consumers
16 with debts described under subparagraph (A).

17 “(C) RELATION TO STATE LAW.—This
18 paragraph shall not preempt any State law that
19 provides for greater consumer protections than
20 this paragraph.”; and

21 (2) by adding at the end the following:

22 “(h) FORBEARANCE FOR AFFECTED CONSUMERS.—

23 “(1) FORBEARANCE PROGRAM.—Each debt col-
24 lector that makes use of the credit facility described

1 in paragraph (4) shall establish a forbearance pro-
2 gram for debts available during the covered period.

3 “(2) AUTOMATIC GRANT OF FORBEARANCE
4 UPON REQUEST.—Under a forbearance program re-
5 quired under paragraph (1), upon the request of a
6 consumer experiencing a financial hardship due, di-
7 rectly or indirectly, to COVID–19, the debt collector
8 shall grant a forbearance on payment of debt for
9 such time as needed until the end of the covered pe-
10 riod, with no additional documentation required
11 other than the borrower’s attestation to a financial
12 hardship caused by COVID–19 and with no fees,
13 penalties, or interest (beyond the amounts scheduled
14 or calculated as if the borrower made all contractual
15 payments on time and in full under the terms of the
16 loan contract) charged to the borrower in connection
17 with the forbearance.

18 “(3) EXCEPTION FOR CERTAIN MORTGAGE
19 LOANS SUBJECT TO THE CARES ACT.—This sub-
20 section shall not apply to a mortgage loan subject to
21 section 4022 or 4023 of the CARES Act.”.

22 **SEC. 110404. CREDIT FACILITY.**

23 Section 812A(h) of the Fair Debt Collection Prac-
24 tices Act (15 U.S.C. 1692 et seq.), as added by section
25 110403, is amended by adding at the end the following:

1 “(4) CREDIT FACILITY.—The Board of Gov-
2 ernors of the Federal Reserve System shall—

3 “(A) establish a facility, using amounts
4 made available under section 4003(b)(4) of the
5 CARES Act (15 U.S.C. 9042(b)(4)), to make
6 long-term, low-cost loans to debt collectors to
7 temporarily compensate such debt collectors for
8 documented financial losses caused by forbear-
9 ance of debt payments under this subsection;
10 and

11 “(B) defer debt collectors’ required pay-
12 ments on such loans until after consumers’ debt
13 payments resume.”.

14 **TITLE V—FORGIVING STUDENT LOAN DEBT**
15 **AND PROTECTING STUDENT BORROWERS**

16 **SEC. 110501. PAYMENTS FOR PRIVATE EDUCATION LOAN**
17 **BORROWERS AS A RESULT OF THE COVID-19**
18 **NATIONAL EMERGENCY.**

19 (a) IN GENERAL.—Section 140 of the Truth in Lend-
20 ing Act (15 U.S.C. 1650) is amended by adding at the
21 end the following new subsection:

22 “(h) COVID-19 NATIONAL EMERGENCY PRIVATE
23 EDUCATION LOAN REPAYMENT ASSISTANCE.—

24 “(1) AUTHORITY.—

1 “(A) IN GENERAL.—Effective on the date
2 of the enactment of this section, until the end
3 of September 2021, the Secretary of the Treas-
4 ury shall, for each borrower of a private edu-
5 cation loan, pay the total amount due for such
6 month on the loan, based on the payment plan
7 selected by the borrower or the borrower’s loan
8 status.

9 “(B) LIMITATION ON PAYMENTS.—The
10 maximum amount of aggregate payments that
11 the Secretary of the Treasury may make under
12 subparagraph (A) with respect to an individual
13 borrower is \$10,000.

14 “(2) NO CAPITALIZATION OF INTEREST.—With
15 respect to any loan in repayment until the end of
16 September 2021, interest due on a private education
17 loan during such period shall not be capitalized at
18 any time until the end of September 2021.

19 “(3) REPORTING TO CONSUMER REPORTING
20 AGENCIES.—Until the end of the September 2021—

21 “(A) during the period in which the Sec-
22 retary of the Treasury is making payments on
23 a loan under paragraph (1), the Secretary shall
24 ensure that, for the purpose of reporting infor-
25 mation about the loan to a consumer reporting

1 agency, any payment made by the Secretary is
2 treated as if it were a regularly scheduled pay-
3 ment made by a borrower; and

4 “(B) no adverse credit information may be
5 furnished to a consumer reporting agency for
6 any private education loan.

7 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
8 Not later than 15 days following the date of enact-
9 ment of this subsection, and monthly thereafter until
10 the end of September 2021, the Secretary of the
11 Treasury shall provide a notice to all borrowers of
12 private education loans—

13 “(A) informing borrowers of the actions
14 taken under this subsection;

15 “(B) providing borrowers with an easily
16 accessible method to opt out of the benefits pro-
17 vided under this subsection; and

18 “(C) notifying the borrower that the pro-
19 gram under this subsection is a temporary pro-
20 gram and will end at the end of September
21 2021.

22 “(5) SUSPENSION OF INVOLUNTARY COLLEC-
23 TION.—Until the end of September 2021, the holder
24 of a private education loan shall immediately take

1 action to halt all involuntary collection related to the
2 loan.

3 “(6) MANDATORY FORBEARANCE.—During the
4 period in which the Secretary of the Treasury is
5 making payments on a loan under paragraph (1),
6 the servicer of such loan shall grant the borrower
7 forbearance as follows:

8 “(A) A temporary cessation of all pay-
9 ments on the loan other than the payments of
10 interest and principal on the loan that are made
11 under paragraph (1).

12 “(B) For borrowers who are delinquent
13 but who are not yet in default before the date
14 on which the Secretary begins making payments
15 under paragraph (1), the retroactive application
16 of forbearance to address any delinquency.

17 “(7) DATA TO IMPLEMENT.—Holders and
18 servicers of private education loans shall report, to
19 the satisfaction of the Secretary of the Treasury, the
20 information necessary to calculate the amount to be
21 paid under this subsection.”.

22 (b) APPROPRIATION.—Notwithstanding any other
23 provision of law, there is appropriated to the Secretary
24 of the Treasury, out of amounts in the Treasury not other-

1 wise appropriated, \$45,000,000,000 to carry out this title
2 and the amendments made by this title.

3 **SEC. 110502. ADDITIONAL PROTECTIONS FOR PRIVATE STU-**
4 **DENT LOAN BORROWERS.**

5 (a) IN GENERAL.—

6 (1) REPAYMENT PLAN AND FORGIVENESS
7 TERMS.—Each private education loan holder who re-
8 ceives a monthly payment pursuant to section
9 140(h) of the Truth in Lending Act shall modify all
10 private education loan contracts that it holds to pro-
11 vide for the same repayment plan and forgiveness
12 terms available to Direct Loans borrowers under
13 section 685.209(c) of title 34, Code of Federal Reg-
14 ulations, in effect as of January 1, 2020.

15 (2) TREATMENT OF STATE STATUTES OF LIM-
16 TATION.—For a borrower who has defaulted on a
17 private education loan under the terms of the prom-
18 issory note prior to any loan payment made or for-
19 bearance granted under section 140(h) of the Truth
20 in Lending Act, no payment made or forbearance
21 granted under such section 140(h) shall be consid-
22 ered an event that impacts the calculation of the ap-
23 plicable State statutes of limitation.

24 (3) PROHIBITION ON PRESSURING BOR-
25 ROWERS.—

1 (A) IN GENERAL.—A private education
2 loan debt collector or creditor may not pressure
3 a borrower to elect to apply any amount re-
4 ceived pursuant to subsection (b) to any private
5 education loan.

6 (B) VIOLATIONS.—A violation of this para-
7 graph is deemed—

8 (i) an unfair, deceptive, or abusive act
9 or practice under Federal law in connec-
10 tion with any transaction with a consumer
11 for a consumer financial product or service
12 under section 1031 of the Consumer Fi-
13 nancial Protection Act of 2010 (12 U.S.C.
14 5531); and

15 (ii) with respect to a violation by a
16 debt collector, an unfair or unconscionable
17 means to collect or attempt to collect any
18 debt under section 808 of the Federal
19 Debt Collection Practices Act (15 U.S.C.
20 1692f).

21 (C) PRESSURE DEFINED.—In this para-
22 graph, the term “pressure” means any commu-
23 nication, recommendation, or other similar com-
24 munication, other than providing basic informa-
25 tion about a borrower’s options, urging a bor-

1 rower to make an election described under sub-
2 section (b).

3 (b) RELIEF FOR PRIVATE STUDENT LOAN BOR-
4 ROWERS AS A RESULT OF THE COVID-19 NATIONAL
5 EMERGENCY.—

6 (1) STUDENT LOAN RELIEF AS A RESULT OF
7 THE COVID-19 NATIONAL EMERGENCY.—Not later
8 than 90 days after the end of September 2021, the
9 Secretary of the Treasury shall carry out a program
10 under which a borrower, with respect to the private
11 education loans of such borrower, shall receive in ac-
12 cordance with paragraph (3) an amount equal to the
13 lesser of—

14 (A) the total amount of each private edu-
15 cation loan of the borrower; or

16 (B) \$10,000, reduced by the aggregate
17 amount of all payments made by the Secretary
18 of the Treasury with respect to such borrower
19 under section 140(h) of the Truth in Lending
20 Act.

21 (2) NOTIFICATION OF BORROWERS.—Not later
22 than 90 days after the end of September 2021, the
23 Secretary of the Treasury shall notify each borrower
24 of a private education loan of—

1 (A) the requirements to provide loan relief
2 to such borrower under this section; and

3 (B) the opportunity for such borrower to
4 make an election under paragraph (3)(A) with
5 respect to the application of such loan relief to
6 the private education loans of such borrower.

7 (3) DISTRIBUTION OF FUNDING.—

8 (A) ELECTION BY BORROWER.—Not later
9 than 45 days after a notice is sent under para-
10 graph (2), a borrower may elect to apply the
11 amount determined with respect to such bor-
12 rower under paragraph (1) to any private edu-
13 cation loan of the borrower.

14 (B) AUTOMATIC PAYMENT.—

15 (i) IN GENERAL.—In the case of a
16 borrower who does not make an election
17 under subparagraph (A) before the date
18 described in such subparagraph, the Sec-
19 retary of the Treasury shall apply the
20 amount determined with respect to such
21 borrower under paragraph (1) in order of
22 the private education loan of the borrower
23 with the highest interest rate.

24 (ii) EQUAL INTEREST RATES.—In
25 case of two or more private education loans

1 described in clause (i) with equal interest
2 rates, the Secretary of the Treasury shall
3 apply the amount determined with respect
4 to such borrower under paragraph (1) first
5 to the loan with the highest principal.

6 (c) DEFINITIONS.—In this section:

7 (1) FAIR DEBT COLLECTION PRACTICES ACT
8 TERMS.—The terms “creditor” and “debt collector”
9 have the meaning given those terms, respectively,
10 under section 803 of the Fair Debt Collection Prac-
11 tices Act (15 U.S.C. 1692a).

12 (2) PRIVATE EDUCATION LOAN.—The term
13 “private education loan” has the meaning given the
14 term in section 140 of the Truth in Lending Act (15
15 U.S.C. 1650).

16 TITLE VI—STANDING UP FOR SMALL BUSI-
17 NESSES, MINORITY-OWNED BUSINESSES,
18 AND NON-PROFITS

19 **SEC. 110601. RESTRICTIONS ON COLLECTIONS OF SMALL**
20 **BUSINESS AND NONPROFIT DEBT DURING A**
21 **NATIONAL DISASTER OR EMERGENCY.**

22 (a) IN GENERAL.—The Fair Debt Collection Prac-
23 tices Act (15 U.S.C. 1692 et seq.), as amended by section
24 110402, is further amended by inserting after section
25 812A the following:

1 **“§ 812B. Restrictions on collections of small business**
2 **and nonprofit debt during a national dis-**
3 **aster or emergency**

4 “(a) DEFINITIONS.—In this section:

5 “(1) COVERED PERIOD.—The term ‘covered pe-
6 riod’ means the period beginning on the date of en-
7 actment of this section and ending 120 days after
8 the end of the incident period for the emergency de-
9 clared on March 13, 2020, by the President under
10 section 501 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 4121 et
12 seq.) relating to the Coronavirus Disease 2019
13 (COVID-19) pandemic.

14 “(2) CREDITOR.—The term ‘creditor’ means
15 any person—

16 “(A) who offers or extends credit creating
17 a debt or to whom a debt is owed; or

18 “(B) to whom any obligation for payment
19 is owed.

20 “(3) DEBT.—The term ‘debt’—

21 “(A) means any obligation or alleged obli-
22 gation that is or during the covered period be-
23 comes past due, other than an obligation aris-
24 ing out of a credit agreement entered into after
25 the effective date of this section, that arises out

1 of a transaction with a nonprofit organization
2 or small business; and

3 “(B) does not include a mortgage loan.

4 “(4) DEBT COLLECTOR.—The term ‘debt col-
5 lector’ means a creditor and any other person or en-
6 tity that engages in the collection of debt, including
7 the Federal Government and a State government, ir-
8 respective of whether the applicable debt is allegedly
9 owed to or assigned to such creditor, person, or enti-
10 ty.

11 “(5) MORTGAGE LOAN.—The term ‘mortgage
12 loan’ means a covered mortgage loan (as defined
13 under section 4022 of the CARES Act) and a multi-
14 family mortgage loan (as defined under section 4023
15 of the CARES Act).

16 “(6) NONPROFIT ORGANIZATION.—The term
17 ‘nonprofit organization’ means an organization that
18 is described in section 501(c)(3) of the Internal Rev-
19 enue Code of 1986 and that is exempt from taxation
20 under section 501(a) of such Code.

21 “(7) SMALL BUSINESS.—The term ‘small busi-
22 ness’ has the meaning given the term ‘small business
23 concern’ in section 3 of the Small Business Act (15
24 U.S.C. 632).

25 “(b) PROHIBITIONS.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, no debt collector may, during a cov-
3 ered period—

4 “(A) enforce a security interest securing a
5 debt through repossession, limitation of use, or
6 foreclosure;

7 “(B) take or threaten to take any action to
8 deprive an individual of their liberty as a result
9 of nonpayment of or nonappearance at any
10 hearing relating to an obligation owed by a
11 small business or nonprofit organization;

12 “(C) collect any debt, by way of garnish-
13 ment, attachment, assignment, deduction, off-
14 set, or other seizure, from—

15 “(i) wages, income, benefits, bank,
16 prepaid or other asset accounts; or

17 “(ii) any assets of, or other amounts
18 due to, a small business or nonprofit orga-
19 nization;

20 “(D) commence or continue an action to
21 evict a small business or nonprofit organization
22 from real or personal property for nonpayment;

23 “(E) disconnect or terminate service from
24 a utility service, including electricity, natural

1 gas, telecommunications or broadband, water,
2 or sewer, for nonpayment; or

3 “(F) threaten to take any of the foregoing
4 actions.

5 “(2) RULE OF CONSTRUCTION.—Nothing in
6 this section may be construed to prohibit a small
7 business or nonprofit organization from voluntarily
8 paying, in whole or in part, a debt.

9 “(c) LIMITATION ON FEES AND INTEREST.—After
10 the expiration of a covered period, a debt collector may
11 not add to any past due debt any interest on unpaid inter-
12 est, higher rate of interest triggered by the nonpayment
13 of the debt, or fee triggered prior to the expiration of the
14 covered period by the nonpayment of the debt.

15 “(e) VIOLATIONS.—Any person or government entity
16 that violates this section shall be liable to the applicable
17 small business or nonprofit organization as provided under
18 section 813, except that, for purposes of applying section
19 813—

20 “(1) such person or government entity shall be
21 deemed a debt collector, as such term is defined for
22 purposes of section 813; and

23 “(2) such small business or nonprofit organiza-
24 tion shall be deemed a consumer, as such term is de-
25 fined for purposes of section 813.

1 “(f) TOLLING.—Any applicable time limitations for
2 exercising an action prohibited under subsection (b) shall
3 be tolled during a covered period.

4 “(g) PREDISPUTE ARBITRATION AGREEMENTS.—
5 Notwithstanding any other provision of law, no predispute
6 arbitration agreement or predispute joint-action waiver
7 shall be valid or enforceable with respect to a dispute
8 brought under this section, including a dispute as to the
9 applicability of this section, which shall be determined
10 under Federal law.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 for the Fair Debt Collection Practices Act, as amended
13 by section 110402, is further amended by inserting after
14 the item relating to section 812A the following:

“812B. Restrictions on collections of small business and nonprofit debt during
a national disaster or emergency.”.

15 **SEC. 110602. REPAYMENT PERIOD AND FORBEARANCE FOR**
16 **SMALL BUSINESSES AND NONPROFIT ORGA-**
17 **NIZATIONS.**

18 Section 812B of the Fair Debt Collection Practices
19 Act (15 U.S.C. 1692 et seq.), as added by section 110601,
20 is amended—

21 (1) by inserting after subsection (c) the fol-
22 lowing:

1 “(d) REPAYMENT PERIOD.—After the expiration of
2 a covered period, a debt collector shall comply with the
3 following:

4 “(1) DEBT ARISING FROM CREDIT WITH A DE-
5 FINED PAYMENT PERIOD.—For any debt arising
6 from credit with a defined term, the debt collector
7 shall extend the time period to repay any past due
8 balance of the debt by—

9 “(A) 1 payment period for each payment
10 that a small business or nonprofit organization
11 missed during the covered period, with the pay-
12 ments due in the same amounts and at the
13 same intervals as the pre-existing payment
14 schedule; and

15 “(B) 1 payment period in addition to the
16 payment periods described under subparagraph
17 (A).

18 “(2) DEBT ARISING FROM AN OPEN END CRED-
19 IT PLAN.—For debt arising from an open end credit
20 plan, as defined in section 103 of the Truth in
21 Lending Act (15 U.S.C. 1602), the debt collector
22 shall allow the small business or nonprofit organiza-
23 tion to repay the past-due balance in a manner that
24 does not exceed the amounts permitted by the meth-
25 ods described in section 171(c) of the Truth in

1 Lending Act (15 U.S.C. 1666i–1(c)) and regulations
2 promulgated under that section.

3 “(3) DEBT ARISING FROM OTHER CREDIT.—

4 “(A) IN GENERAL.—For debt not de-
5 scribed under paragraph (2) or (3), the debt
6 collector shall—

7 “(i) allow the small business or non-
8 profit organization to repay the past-due
9 balance of the debt in substantially equal
10 payments over time; and

11 “(ii) provide the small business or
12 nonprofit organization with—

13 “(I) for past due balances of
14 \$2,000 or less, 12 months to repay, or
15 such longer period as the debt col-
16 lector may allow;

17 “(II) for past due balances be-
18 tween \$2,001 and \$5,000, 24 months
19 to repay, or such longer period as the
20 debt collector may allow; or

21 “(III) for past due balances
22 greater than \$5,000, 36 months to
23 repay, or such longer period as the
24 debt collector may allow.

1 “(B) ADDITIONAL PROTECTIONS.—The Di-
2 rector of the Bureau may issue rules to provide
3 greater repayment protections to small busi-
4 nesses and nonprofit organizations with debts
5 described under subparagraph (A).

6 “(C) RELATION TO STATE LAW.—This
7 paragraph shall not preempt any State law that
8 provides for greater small business or nonprofit
9 organization protections than this paragraph.”;
10 and

11 (2) by adding at the end the following:

12 “(h) FORBEARANCE FOR AFFECTED SMALL BUSI-
13 NESSES AND NONPROFIT ORGANIZATIONS.—

14 “(1) FORBEARANCE PROGRAM.—Each debt col-
15 lector that makes use of the credit facility described
16 in paragraph (4) shall establish a forbearance pro-
17 gram for debts available during the covered period.

18 “(2) AUTOMATIC GRANT OF FORBEARANCE
19 UPON REQUEST.—Under a forbearance program re-
20 quired under paragraph (1), upon the request of a
21 small business or nonprofit organization experi-
22 encing a financial hardship due, directly or indi-
23 rectly, to COVID–19, the debt collector shall grant
24 a forbearance on payment of debt for such time as
25 needed until the end of the covered period, with no

1 additional documentation required other than the
2 small business or nonprofit organization’s attestation
3 to a financial hardship caused by COVID–19 and
4 with no fees, penalties, or interest (beyond the
5 amounts scheduled or calculated as if the borrower
6 made all contractual payments on time and in full
7 under the terms of the loan contract) charged to the
8 borrower in connection with the forbearance.

9 “(3) EXCEPTION FOR CERTAIN MORTGAGE
10 LOANS SUBJECT TO THE CARES ACT.—This sub-
11 section shall not apply to a mortgage loan subject to
12 section 4022 or 4023 of the CARES Act.”

13 **SEC. 110603. CREDIT FACILITY.**

14 Section 812B(h) of the Fair Debt Collection Prac-
15 tices Act (15 U.S.C. 1692 et seq.), as added by section
16 110602, is amended by adding at the end the following:

17 “(4) CREDIT FACILITY.—The Board of Gov-
18 ernors of the Federal Reserve System shall—

19 “(A) establish a facility, using amounts
20 made available under section 4003(b)(4) of the
21 CARES Act (15 U.S.C. 9042(b)(4)), to make
22 long-term, low-cost loans to debt collectors to
23 temporarily compensate such debt collectors for
24 documented financial losses caused by forbear-

1 ance of debt payments under this subsection;
2 and

3 “(B) defer debt collectors’ required pay-
4 ments on such loans until after small businesses
5 or nonprofit organizations’ debt payments re-
6 sume.”.

7 **SEC. 110604. MAIN STREET LENDING PROGRAM REQUIRE-**
8 **MENTS.**

9 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii) of the
10 CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—

11 (1) by striking “Nothing in this subparagraph
12 shall limit the discretion of the Board of Governors
13 of the Federal Reserve System to” and inserting the
14 following:

15 “(I) IN GENERAL.—The Board of
16 Governors of the Federal Reserve Sys-
17 tem shall”; and

18 (2) by adding at the end the following:

19 “(II) REQUIREMENTS.—In car-
20 rying out subclause (I), the Board of
21 Governors of the Federal Reserve Sys-
22 tem—

23 “(aa) shall make non-profit
24 organizations eligible for any pro-

1 gram or facility established under
2 such subclause;

3 “(bb) shall create a low-cost
4 loan option tailored to the unique
5 needs of non-profit organizations,
6 including the ability to defer pay-
7 ments and, solely for non-profit
8 organizations that are ineligible
9 to receive a covered loan under
10 section 7(a)(36) of the Small
11 Business Act (15 U.S.C.
12 636(a)(36)) and that predomi-
13 nantly serve low-income commu-
14 nities, as determined by the Fed-
15 eral Reserve, have the loans for-
16 given by the Department of the
17 Treasury for a similar purpose to
18 maintain payroll and operations
19 provided under the Paycheck
20 Protection Program, notwith-
21 standing section 4003(d)(3) of
22 the CARES Act;”.

23 (b) DEADLINE.—Not later than the end of the 5-day
24 period beginning on the date of enactment of this Act, the
25 Board of Governors of the Federal Reserve System shall

1 issue such rules or take such other actions as may be nec-
2 essary to implement the requirements made by the amend-
3 ments made by this section.

4 **SEC. 110605. OPTIONS FOR SMALL BUSINESSES AND NON-**
5 **PROFITS UNDER THE MAIN STREET LENDING**
6 **PROGRAM.**

7 (a) IN GENERAL.—Section (c)(3)(D)(ii)(II) of the
8 CARES Act (15 U.S.C. 9042(e)(3)(D)(ii)(II)), as added
9 by section 110604, is further amended by adding at the
10 end the following:

11 “(cc) shall provide at least
12 one low-cost loan option that
13 small businesses and small non-
14 profits are eligible for that does
15 not have a minimum loan size;”.

16 (b) DEADLINE.—Not later than the end of the 5-day
17 period beginning on the date of enactment of this Act, the
18 Board of Governors of the Federal Reserve System shall
19 issue such rules or take such other actions as may be nec-
20 essary to implement the requirements made by the amend-
21 ments made by this section.

22 **SEC. 110606. SAFE BANKING.**

23 (a) SHORT TITLE; PURPOSE.—

1 (1) SHORT TITLE.—This section may be cited
2 as the “Secure And Fair Enforcement Banking Act
3 of 2020” or the “SAFE Banking Act of 2020”.

4 (2) PURPOSE.—The purpose of this section is
5 to increase public safety by ensuring access to finan-
6 cial services to cannabis-related legitimate businesses
7 and service providers and reducing the amount of
8 cash at such businesses.

9 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-
10 TIONS.—

11 (1) IN GENERAL.—A Federal banking regulator
12 may not—

13 (A) terminate or limit the deposit in-
14 surance or share insurance of a depository
15 institution under the Federal Deposit In-
16 surance Act (12 U.S.C. 1811 et seq.), the
17 Federal Credit Union Act (12 U.S.C. 1751
18 et seq.), or take any other adverse action
19 against a depository institution under sec-
20 tion 8 of the Federal Deposit Insurance
21 Act (12 U.S.C. 1818) solely because the
22 depository institution provides or has pro-
23 vided financial services to a cannabis-re-
24 lated legitimate business or service pro-
25 vider;

1 (B) prohibit, penalize, or otherwise
2 discourage a depository institution from
3 providing financial services to a cannabis-
4 related legitimate business or service pro-
5 vider or to a State, political subdivision of
6 a State, or Indian Tribe that exercises ju-
7 risdiction over cannabis-related legitimate
8 businesses;

9 (C) recommend, incentivize, or en-
10 courage a depository institution not to
11 offer financial services to an account hold-
12 er, or to downgrade or cancel the financial
13 services offered to an account holder solely
14 because—

15 (i) the account holder is a can-
16 nabis-related legitimate business or
17 service provider, or is an employee,
18 owner, or operator of a cannabis-re-
19 lated legitimate business or service
20 provider;

21 (ii) the account holder later be-
22 comes an employee, owner, or oper-
23 ator of a cannabis-related legitimate
24 business or service provider; or

1 (iii) the depository institution
2 was not aware that the account holder
3 is an employee, owner, or operator of
4 a cannabis-related legitimate business
5 or service provider;

6 (D) take any adverse or corrective su-
7 pervisory action on a loan made to—

8 (i) a cannabis-related legitimate
9 business or service provider, solely be-
10 cause the business is a cannabis-re-
11 lated legitimate business or service
12 provider;

13 (ii) an employee, owner, or oper-
14 ator of a cannabis-related legitimate
15 business or service provider, solely be-
16 cause the employee, owner, or oper-
17 ator is employed by, owns, or operates
18 a cannabis-related legitimate business
19 or service provider, as applicable; or

20 (iii) an owner or operator of real
21 estate or equipment that is leased to
22 a cannabis-related legitimate business
23 or service provider, solely because the
24 owner or operator of the real estate or
25 equipment leased the equipment or

1 real estate to a cannabis-related legiti-
2 mate business or service provider, as
3 applicable; or

4 (E) prohibit or penalize a depository
5 institution (or entity performing a financial
6 service for or in association with a deposi-
7 tory institution) for, or otherwise discour-
8 age a depository institution (or entity per-
9 forming a financial service for or in asso-
10 ciation with a depository institution) from,
11 engaging in a financial service for a can-
12 nabis-related legitimate business or service
13 provider.

14 (2) SAFE HARBOR APPLICABLE TO DE NOVO IN-
15 STITUTIONS.—Paragraph (1) shall apply to an insti-
16 tution applying for a depository institution charter
17 to the same extent as such subsection applies to a
18 depository institution.

19 (c) PROTECTIONS FOR ANCILLARY BUSINESSES.—
20 For the purposes of sections 1956 and 1957 of title 18,
21 United States Code, and all other provisions of Federal
22 law, the proceeds from a transaction involving activities
23 of a cannabis-related legitimate business or service pro-
24 vider shall not be considered proceeds from an unlawful
25 activity solely because—

1 (1) the transaction involves proceeds from a
2 cannabis-related legitimate business or service pro-
3 vider; or

4 (2) the transaction involves proceeds from—

5 (A) cannabis-related activities described in
6 subsection (n)(4)(B) conducted by a cannabis-
7 related legitimate business; or

8 (B) activities described in subsection
9 (n)(13)(A) conducted by a service provider.

10 (d) PROTECTIONS UNDER FEDERAL LAW.—

11 (1) IN GENERAL.—With respect to providing a
12 financial service to a cannabis-related legitimate
13 business or service provider within a State, political
14 subdivision of a State, or Indian country that allows
15 the cultivation, production, manufacture, sale, trans-
16 portation, display, dispensing, distribution, or pur-
17 chase of cannabis pursuant to a law or regulation of
18 such State, political subdivision, or Indian Tribe
19 that has jurisdiction over the Indian country, as ap-
20 plicable, a depository institution, entity performing a
21 financial service for or in association with a deposi-
22 tory institution, or insurer that provides a financial
23 service to a cannabis-related legitimate business or
24 service provider, and the officers, directors, and em-
25 ployees of that depository institution, entity, or in-

1 surer may not be held liable pursuant to any Federal
2 law or regulation—

3 (A) solely for providing such a financial
4 service; or

5 (B) for further investing any income de-
6 rived from such a financial service.

7 (2) PROTECTIONS FOR FEDERAL RESERVE
8 BANKS AND FEDERAL HOME LOAN BANKS.—With
9 respect to providing a service to a depository institu-
10 tion that provides a financial service to a cannabis-
11 related legitimate business or service provider (where
12 such financial service is provided within a State, po-
13 litical subdivision of a State, or Indian country that
14 allows the cultivation, production, manufacture, sale,
15 transportation, display, dispensing, distribution, or
16 purchase of cannabis pursuant to a law or regulation
17 of such State, political subdivision, or Indian Tribe
18 that has jurisdiction over the Indian country, as ap-
19 plicable), a Federal reserve bank or Federal Home
20 Loan Bank, and the officers, directors, and employ-
21 ees of the Federal reserve bank or Federal Home
22 Loan Bank, may not be held liable pursuant to any
23 Federal law or regulation—

24 (A) solely for providing such a service; or

1 (B) for further investing any income de-
2 rived from such a service.

3 (3) PROTECTIONS FOR INSURERS.—With re-
4 spect to engaging in the business of insurance within
5 a State, political subdivision of a State, or Indian
6 country that allows the cultivation, production, man-
7 ufacture, sale, transportation, display, dispensing,
8 distribution, or purchase of cannabis pursuant to a
9 law or regulation of such State, political subdivision,
10 or Indian Tribe that has jurisdiction over the Indian
11 country, as applicable, an insurer that engages in
12 the business of insurance with a cannabis-related le-
13 gitimate business or service provider or who other-
14 wise engages with a person in a transaction permis-
15 sible under State law related to cannabis, and the
16 officers, directors, and employees of that insurer
17 may not be held liable pursuant to any Federal law
18 or regulation—

19 (A) solely for engaging in the business of
20 insurance; or

21 (B) for further investing any income de-
22 rived from the business of insurance.

23 (4) FORFEITURE.—

24 (A) DEPOSITORY INSTITUTIONS.—A depos-
25 itory institution that has a legal interest in the

1 collateral for a loan or another financial service
2 provided to an owner, employee, or operator of
3 a cannabis-related legitimate business or service
4 provider, or to an owner or operator of real es-
5 tate or equipment that is leased or sold to a
6 cannabis-related legitimate business or service
7 provider, shall not be subject to criminal, civil,
8 or administrative forfeiture of that legal inter-
9 est pursuant to any Federal law for providing
10 such loan or other financial service.

11 (B) FEDERAL RESERVE BANKS AND FED-
12 ERAL HOME LOAN BANKS.—A Federal reserve
13 bank or Federal Home Loan Bank that has a
14 legal interest in the collateral for a loan or an-
15 other financial service provided to a depository
16 institution that provides a financial service to a
17 cannabis-related legitimate business or service
18 provider, or to an owner or operator of real es-
19 tate or equipment that is leased or sold to a
20 cannabis-related legitimate business or service
21 provider, shall not be subject to criminal, civil,
22 or administrative forfeiture of that legal inter-
23 est pursuant to any Federal law for providing
24 such loan or other financial service.

25 (e) RULES OF CONSTRUCTION.—

1 (1) NO REQUIREMENT TO PROVIDE FINANCIAL
2 SERVICES.—Nothing in this section shall require a
3 depository institution, entity performing a financial
4 service for or in association with a depository insti-
5 tution, or insurer to provide financial services to a
6 cannabis-related legitimate business, service pro-
7 vider, or any other business.

8 (2) GENERAL EXAMINATION, SUPERVISORY,
9 AND ENFORCEMENT AUTHORITY.—Nothing in this
10 section may be construed in any way as limiting or
11 otherwise restricting the general examination, super-
12 visory, and enforcement authority of the Federal
13 banking regulators, provided that the basis for any
14 supervisory or enforcement action is not the provi-
15 sion of financial services to a cannabis-related legiti-
16 mate business or service provider.

17 (f) REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-
18 ITY REPORTS.—Section 5318(g) of title 31, United States
19 Code, is amended by adding at the end the following:

20 “(5) REQUIREMENTS FOR CANNABIS-RELATED
21 LEGITIMATE BUSINESSES.—

22 “(A) IN GENERAL.—With respect to a fi-
23 nancial institution or any director, officer, em-
24 ployee, or agent of a financial institution that
25 reports a suspicious transaction pursuant to

1 this subsection, if the reason for the report re-
2 lates to a cannabis-related legitimate business
3 or service provider, the report shall comply with
4 appropriate guidance issued by the Financial
5 Crimes Enforcement Network. The Secretary
6 shall ensure that the guidance is consistent with
7 the purpose and intent of the SAFE Banking
8 Act of 2020 and does not significantly inhibit
9 the provision of financial services to a cannabis-
10 related legitimate business or service provider in
11 a State, political subdivision of a State, or In-
12 dian country that has allowed the cultivation,
13 production, manufacture, transportation, dis-
14 play, dispensing, distribution, sale, or purchase
15 of cannabis pursuant to law or regulation of
16 such State, political subdivision, or Indian
17 Tribe that has jurisdiction over the Indian
18 country.

19 “(B) DEFINITIONS.—For purposes of this
20 paragraph:

21 “(i) CANNABIS.—The term ‘cannabis’
22 has the meaning given the term ‘mari-
23 huana’ in section 102 of the Controlled
24 Substances Act (21 U.S.C. 802).

1 “(ii) CANNABIS-RELATED LEGITIMATE
2 BUSINESS.—The term ‘cannabis-related le-
3 gitimate business’ has the meaning given
4 that term in subsection (n) of the SAFE
5 Banking Act of 2020.

6 “(iii) INDIAN COUNTRY.—The term
7 ‘Indian country’ has the meaning given
8 that term in section 1151 of title 18.

9 “(iv) INDIAN TRIBE.—The term ‘In-
10 dian Tribe’ has the meaning given that
11 term in section 102 of the Federally Rec-
12 ognized Indian Tribe List Act of 1994 (25
13 U.S.C. 479a).

14 “(v) FINANCIAL SERVICE.—The term
15 ‘financial service’ has the meaning given
16 that term in subsection (n) of the SAFE
17 Banking Act of 2020.

18 “(vi) SERVICE PROVIDER.—The term
19 ‘service provider’ has the meaning given
20 that term in subsection (n) of the SAFE
21 Banking Act of 2020.

22 “(vii) STATE.—The term ‘State’
23 means each of the several States, the Dis-
24 trict of Columbia, Puerto Rico, and any

1 territory or possession of the United
2 States.”.

3 (g) GUIDANCE AND EXAMINATION PROCEDURES.—

4 Not later than 180 days after the date of enactment of
5 this Act, the Financial Institutions Examination Council
6 shall develop uniform guidance and examination proce-
7 dures for depository institutions that provide financial
8 services to cannabis-related legitimate businesses and
9 service providers.

10 (h) ANNUAL DIVERSITY AND INCLUSION REPORT.—

11 The Federal banking regulators shall issue an annual re-
12 port to Congress containing—

13 (1) information and data on the availability of
14 access to financial services for minority-owned and
15 women-owned cannabis-related legitimate businesses;
16 and

17 (2) any regulatory or legislative recommenda-
18 tions for expanding access to financial services for
19 minority-owned and women-owned cannabis-related
20 legitimate businesses.

21 (i) GAO STUDY ON DIVERSITY AND INCLUSION.—

22 (1) STUDY.—The Comptroller General of the
23 United States shall carry out a study on the barriers
24 to marketplace entry, including in the licensing proc-
25 ess, and the access to financial services for potential

1 and existing minority-owned and women-owned can-
2 nabis-related legitimate businesses.

3 (2) REPORT.—The Comptroller General shall
4 issue a report to the Congress—

5 (A) containing all findings and determina-
6 tions made in carrying out the study required
7 under paragraph (1); and

8 (B) containing any regulatory or legislative
9 recommendations for removing barriers to mar-
10 ketplace entry, including in the licensing proc-
11 ess, and expanding access to financial services
12 for potential and existing minority-owned and
13 women-owned cannabis-related legitimate busi-
14 nesses.

15 (j) GAO STUDY ON EFFECTIVENESS OF CERTAIN
16 REPORTS ON FINDING CERTAIN PERSONS.—Not later
17 than 2 years after the date of the enactment of this Act,
18 the Comptroller General of the United States shall carry
19 out a study on the effectiveness of reports on suspicious
20 transactions filed pursuant to section 5318(g) of title 31,
21 United States Code, at finding individuals or organiza-
22 tions suspected or known to be engaged with transnational
23 criminal organizations and whether any such engagement
24 exists in a State, political subdivision, or Indian Tribe that
25 has jurisdiction over Indian country that allows the cul-

1 tivation, production, manufacture, sale, transportation,
2 display, dispensing, distribution, or purchase of cannabis.

3 The study shall examine reports on suspicious trans-
4 actions as follows:

5 (1) During the period of 2014 until the date of
6 the enactment of this Act, reports relating to mari-
7 juana-related businesses.

8 (2) During the 1-year period after date of the
9 enactment of this Act, reports relating to cannabis-
10 related legitimate businesses.

11 (k) BANKING SERVICES FOR HEMP BUSINESSES.—

12 (1) FINDINGS.—The Congress finds that—

13 (A) the Agriculture Improvement Act of
14 2018 (Public Law 115–334) legalized hemp by
15 removing it from the definition of “marihuana”
16 under the Controlled Substances Act;

17 (B) despite the legalization of hemp, some
18 hemp businesses (including producers, manufac-
19 turers, and retailers) continue to have difficulty
20 gaining access to banking products and serv-
21 ices; and

22 (C) businesses involved in the sale of
23 hemp-derived cannabidiol (“CBD”) products
24 are particularly affected, due to confusion about
25 their legal status.

1 (2) FEDERAL BANKING REGULATOR HEMP
2 BANKING GUIDANCE.—Not later than the end of the
3 90-day period beginning on the date of enactment of
4 this Act, the Federal banking regulators shall jointly
5 issue guidance to financial institutions—

6 (A) confirming the legality of hemp, hemp-
7 derived CBD products, and other hemp-derived
8 cannabinoid products, and the legality of engag-
9 ing in financial services with businesses selling
10 hemp, hemp-derived CBD products, and other
11 hemp-derived cannabinoid products, after the
12 enactment of the Agriculture Improvement Act
13 of 2018; and

14 (B) to provide recommended best practices
15 for financial institutions to follow when pro-
16 viding financial services and merchant proc-
17 essing services to businesses involved in the sale
18 of hemp, hemp-derived CBD products, and
19 other hemp-derived cannabinoid products.

20 (3) FINANCIAL INSTITUTION DEFINED.—In this
21 section, the term “financial institution” means any
22 person providing financial services.

23 (1) APPLICATION OF SAFE HARBORS TO HEMP AND
24 CBD PRODUCTS.—

1 (1) IN GENERAL.—Except as provided under
2 paragraph (2), the provisions of this section (other
3 than subsections (f) and (j)) shall apply to hemp (in-
4 cluding hemp-derived cannabidiol and other hemp-
5 derived cannabinoid products) in the same manner
6 as such provisions apply to cannabis.

7 (2) RULE OF APPLICATION.—In applying the
8 provisions of this section described under paragraph
9 (1) to hemp, the definition of “cannabis-related le-
10 gitimate business” shall be treated as excluding any
11 requirement to engage in activity pursuant to the
12 law of a State or political subdivision thereof.

13 (3) HEMP DEFINED.—In this subsection, the
14 term “hemp” has the meaning given that term
15 under section 297A of the Agricultural Marketing
16 Act of 1946 (7 U.S.C. 1639o).

17 (m) REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-
18 NATION REQUESTS AND ORDERS.—

19 (1) TERMINATION REQUESTS OR ORDERS MUST
20 BE VALID.—

21 (A) IN GENERAL.—An appropriate Federal
22 banking agency may not formally or informally
23 request or order a depository institution to ter-
24 minate a specific customer account or group of
25 customer accounts or to otherwise restrict or

1 discourage a depository institution from enter-
2 ing into or maintaining a banking relationship
3 with a specific customer or group of customers
4 unless—

5 (i) the agency has a valid reason for
6 such request or order; and

7 (ii) such reason is not based solely on
8 reputation risk.

9 (B) TREATMENT OF NATIONAL SECURITY
10 THREATS.—If an appropriate Federal banking
11 agency believes a specific customer or group of
12 customers is, or is acting as a conduit for, an
13 entity which—

14 (i) poses a threat to national security;

15 (ii) is involved in terrorist financing;

16 (iii) is an agency of the Government
17 of Iran, North Korea, Syria, or any coun-
18 try listed from time to time on the State
19 Sponsors of Terrorism list;

20 (iv) is located in, or is subject to the
21 jurisdiction of, any country specified in
22 clause (iii); or

23 (v) does business with any entity de-
24 scribed in clause (iii) or (iv), unless the ap-
25 propriate Federal banking agency deter-

1 mines that the customer or group of cus-
2 tomers has used due diligence to avoid
3 doing business with any entity described in
4 clause (iii) or (iv),
5 such belief shall satisfy the requirement under
6 subparagraph (A).

7 (2) NOTICE REQUIREMENT.—

8 (A) IN GENERAL.—If an appropriate Fed-
9 eral banking agency formally or informally re-
10 quests or orders a depository institution to ter-
11 minate a specific customer account or a group
12 of customer accounts, the agency shall—

13 (i) provide such request or order to
14 the institution in writing; and

15 (ii) accompany such request or order
16 with a written justification for why such
17 termination is needed, including any spe-
18 cific laws or regulations the agency believes
19 are being violated by the customer or
20 group of customers, if any.

21 (B) JUSTIFICATION REQUIREMENT.—A
22 justification described under subparagraph
23 (A)(ii) may not be based solely on the reputa-
24 tion risk to the depository institution.

25 (3) CUSTOMER NOTICE.—

1 (A) NOTICE REQUIRED.—Except as pro-
2 vided under subparagraph (B) or as otherwise
3 prohibited from being disclosed by law, if an ap-
4 propriate Federal banking agency orders a de-
5 pository institution to terminate a specific cus-
6 tomer account or a group of customer accounts,
7 the depository institution shall inform the spe-
8 cific customer or group of customers of the jus-
9 tification for the customer’s account termi-
10 nation described under paragraph (2).

11 (B) NOTICE PROHIBITED.—

12 (i) NOTICE PROHIBITED IN CASES OF
13 NATIONAL SECURITY.—If an appropriate
14 Federal banking agency requests or orders
15 a depository institution to terminate a spe-
16 cific customer account or a group of cus-
17 tomer accounts based on a belief that the
18 customer or customers pose a threat to na-
19 tional security, or are otherwise described
20 under subsection (a)(2), neither the deposi-
21 tory institution nor the appropriate Fed-
22 eral banking agency may inform the cus-
23 tomer or customers of the justification for
24 the customer’s account termination.

1 (ii) NOTICE PROHIBITED IN OTHER
2 CASES.—If an appropriate Federal banking
3 agency determines that the notice required
4 under subparagraph (A) may interfere
5 with an authorized criminal investigation,
6 neither the depository institution nor the
7 appropriate Federal banking agency may
8 inform the specific customer or group of
9 customers of the justification for the cus-
10 tomer’s account termination.

11 (4) REPORTING REQUIREMENT.—Each appro-
12 priate Federal banking agency shall issue an annual
13 report to the Congress stating—

14 (A) the aggregate number of specific cus-
15 tomer accounts that the agency requested or or-
16 dered a depository institution to terminate dur-
17 ing the previous year; and

18 (B) the legal authority on which the agen-
19 cy relied in making such requests and orders
20 and the frequency on which the agency relied
21 on each such authority.

22 (5) DEFINITIONS.—For purposes of this sub-
23 section:

1 (A) APPROPRIATE FEDERAL BANKING
2 AGENCY.—The term “appropriate Federal
3 banking agency” means—

4 (i) the appropriate Federal banking
5 agency, as defined under section 3 of the
6 Federal Deposit Insurance Act (12 U.S.C.
7 1813); and

8 (ii) the National Credit Union Admin-
9 istration, in the case of an insured credit
10 union.

11 (B) DEPOSITORY INSTITUTION.—The term
12 “depository institution” means—

13 (i) a depository institution, as defined
14 under section 3 of the Federal Deposit In-
15 surance Act (12 U.S.C. 1813); and

16 (ii) an insured credit union.

17 (n) DEFINITIONS.—In this Act:

18 (1) BUSINESS OF INSURANCE.—The term
19 “business of insurance” has the meaning given such
20 term in section 1002 of the Dodd-Frank Wall Street
21 Reform and Consumer Protection Act (12 U.S.C.
22 5481).

23 (2) CANNABIS.—The term “cannabis” has the
24 meaning given the term “marihuana” in section 102
25 of the Controlled Substances Act (21 U.S.C. 802).

1 (3) CANNABIS PRODUCT.—The term “cannabis
2 product” means any article which contains cannabis,
3 including an article which is a concentrate, an edi-
4 ble, a tincture, a cannabis-infused product, or a top-
5 ical.

6 (4) CANNABIS-RELATED LEGITIMATE BUSI-
7 NESS.—The term “cannabis-related legitimate busi-
8 ness” means a manufacturer, producer, or any per-
9 son or company that—

10 (A) engages in any activity described in
11 subparagraph (B) pursuant to a law established
12 by a State or a political subdivision of a State,
13 as determined by such State or political subdivi-
14 sion; and

15 (B) participates in any business or orga-
16 nized activity that involves handling cannabis or
17 cannabis products, including cultivating, pro-
18 ducing, manufacturing, selling, transporting,
19 displaying, dispensing, distributing, or pur-
20 chasing cannabis or cannabis products.

21 (5) DEPOSITORY INSTITUTION.—The term “de-
22 pository institution” means—

23 (A) a depository institution as defined in
24 section 3(c) of the Federal Deposit Insurance
25 Act (12 U.S.C. 1813(c));

1 (B) a Federal credit union as defined in
2 section 101 of the Federal Credit Union Act
3 (12 U.S.C. 1752); or

4 (C) a State credit union as defined in sec-
5 tion 101 of the Federal Credit Union Act (12
6 U.S.C. 1752).

7 (6) FEDERAL BANKING REGULATOR.—The
8 term “Federal banking regulator” means each of the
9 Board of Governors of the Federal Reserve System,
10 the Bureau of Consumer Financial Protection, the
11 Federal Deposit Insurance Corporation, the Federal
12 Housing Finance Agency, the Financial Crimes En-
13 forcement Network, the Office of Foreign Asset
14 Control, the Office of the Comptroller of the Cur-
15 rency, the National Credit Union Administration,
16 the Department of the Treasury, or any Federal
17 agency or department that regulates banking or fi-
18 nancial services, as determined by the Secretary of
19 the Treasury.

20 (7) FINANCIAL SERVICE.—The term “financial
21 service”—

22 (A) means a financial product or service,
23 as defined in section 1002 of the Dodd-Frank
24 Wall Street Reform and Consumer Protection
25 Act (12 U.S.C. 5481);

1 (B) includes the business of insurance;

2 (C) includes, whether performed directly or
3 indirectly, the authorizing, processing, clearing,
4 settling, billing, transferring for deposit, trans-
5 mitting, delivering, instructing to be delivered,
6 reconciling, collecting, or otherwise effectuating
7 or facilitating of payments or funds, where such
8 payments or funds are made or transferred by
9 any means, including by the use of credit cards,
10 debit cards, other payment cards, or other ac-
11 cess devices, accounts, original or substitute
12 checks, or electronic funds transfers;

13 (D) includes acting as a money transmit-
14 ting business which directly or indirectly makes
15 use of a depository institution in connection
16 with effectuating or facilitating a payment for
17 a cannabis-related legitimate business or service
18 provider in compliance with section 5330 of
19 title 31, United States Code, and any applicable
20 State law; and

21 (E) includes acting as an armored car
22 service for processing and depositing with a de-
23 pository institution or a Federal reserve bank
24 with respect to any monetary instruments (as

1 defined under section 1956(e)(5) of title 18,
2 United States Code.

3 (8) INDIAN COUNTRY.—The term “Indian coun-
4 try” has the meaning given that term in section
5 1151 of title 18.

6 (9) INDIAN TRIBE.—The term “Indian Tribe”
7 has the meaning given that term in section 102 of
8 the Federally Recognized Indian Tribe List Act of
9 1994 (25 U.S.C. 479a).

10 (10) INSURER.—The term “insurer” has the
11 meaning given that term under section 313(r) of
12 title 31, United States Code.

13 (11) MANUFACTURER.—The term “manufac-
14 turer” means a person who manufactures, com-
15 pounds, converts, processes, prepares, or packages
16 cannabis or cannabis products.

17 (12) PRODUCER.—The term “producer” means
18 a person who plants, cultivates, harvests, or in any
19 way facilitates the natural growth of cannabis.

20 (13) SERVICE PROVIDER.—The term “service
21 provider”—

22 (A) means a business, organization, or
23 other person that—

24 (i) sells goods or services to a can-
25 nabis-related legitimate business; or

1 (ii) provides any business services, in-
2 cluding the sale or lease of real or any
3 other property, legal or other licensed serv-
4 ices, or any other ancillary service, relating
5 to cannabis; and

6 (B) does not include a business, organiza-
7 tion, or other person that participates in any
8 business or organized activity that involves han-
9 dling cannabis or cannabis products, including
10 cultivating, producing, manufacturing, selling,
11 transporting, displaying, dispensing, distrib-
12 uting, or purchasing cannabis or cannabis prod-
13 ucts.

14 (14) STATE.—The term “State” means each of
15 the several States, the District of Columbia, Puerto
16 Rico, and any territory or possession of the United
17 States.

18 (o) DISCRETIONARY SURPLUS FUNDS.—Section
19 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C.
20 289(a)(3)(A)) is amended by striking “\$6,825,000,000”
21 and inserting “\$6,821,000,000”.

1 TITLE VII—EMPOWERING COMMUNITY
2 FINANCIAL INSTITUTIONS

3 **SEC. 110701. COMMUNITY DEVELOPMENT FINANCIAL INSTI-
4 TUTIONS FUND.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to the Community Development Financial Institu-
7 tions Fund, out of amounts in the general fund not other-
8 wise appropriated, \$2,000,000,000 for fiscal year 2020,
9 for providing financial assistance and technical assistance
10 under subparagraphs (A) and (B) of section 108(a)(1) of
11 the Community Development Banking and Financial In-
12 stitutions Act of 1994 (12 U.S.C. 4707(a)(1)), except that
13 subsections (d) and (e) of such section 108 shall not apply
14 to the provision of such assistance, for the Bank Enter-
15 prise Award program, and for financial assistance, tech-
16 nical assistance, training, and outreach programs designed
17 to benefit Native American, Native Hawaiian, and Alaska
18 Native communities and provided primarily through quali-
19 fied community development lender organizations with ex-
20 perience and expertise in community development banking
21 and lending in Indian country, Native American organiza-
22 tions, Tribes and Tribal organizations, and other suitable
23 providers. Of the amount appropriated pursuant to this
24 heading, not less than \$800,000,000 shall be for providing
25 financial assistance, technical assistance, awards, training,

1 and outreach programs described above to recipients that
2 are minority lending institutions.

3 (b) DEFINITIONS.—For purposes of this section:

4 (1) MINORITY LENDING INSTITUTION.—The
5 term “minority lending institution” means any de-
6 pository institution, loan fund, or other financial in-
7 stitution that—

8 (A) if a privately-owned institution, 51 per-
9 cent is owned by one or more socially and eco-
10 nomically disadvantaged individuals;

11 (B) if publicly-owned, 51 percent of the
12 stock is owned by one or more socially and eco-
13 nomically disadvantaged individuals; and

14 (C) in the case of a mutual institution,
15 where the majority of the Board of Directors,
16 account holders, and the community which it
17 services is predominantly minority.

18 (2) MINORITY.—The term “minority” means
19 any black American, Native American, Hispanic
20 American, or Asian American.

21 **SEC. 110702. ENSURING DIVERSITY IN COMMUNITY BANK-**
22 **ING.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “Ensuring Diversity in Community Banking Act of
25 2020”.

1 (b) COMMUNITY DEVELOPMENT FINANCIAL INSTI-
2 TUTION.—In this section, the term “community develop-
3 ment financial institution” has the meaning given under
4 section 103 of the Riegle Community Development and
5 Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

6 (c) MINORITY DEPOSITORY INSTITUTION.—In this
7 section, the term “minority depository institution” has the
8 meaning given under section 308 of the Financial Institu-
9 tions Reform, Recovery, and Enforcement Act of 1989 (12
10 U.S.C. 1463 note), as amended by this section.

11 (d) INCLUSION OF WOMEN’S BANKS IN THE DEFINI-
12 TION OF MINORITY DEPOSITORY INSTITUTION.—Section
13 308(b)(1) of the Financial Institutions Reform, Recovery,
14 and Enforcement Act of 1989 (12 U.S.C. 1463 note) is
15 amended—

16 (1) by redesignating subparagraphs (A), (B),
17 and (C) as clauses (i), (ii), and (iii), respectively;

18 (2) by striking “means any” and inserting the
19 following: “means—

20 “(A) any”; and

21 (3) in clause (iii) (as so redesignated), by strik-
22 ing the period at the end and inserting “; or”; and

23 (4) by inserting at the end the following new
24 subparagraph:

1 “(B) any bank described in clause (i), (ii),
2 or (iii) of section 19(b)(1)(A) of the Federal
3 Reserve Act—

4 “(i) more than 50 percent of the out-
5 standing shares of which are held by 1 or
6 more women; and

7 “(ii) the majority of the directors on
8 the board of directors of which are
9 women.”.

10 (e) ESTABLISHMENT OF IMPACT BANK DESIGNA-
11 TION.—

12 (1) IN GENERAL.—Each appropriate Federal
13 banking agency shall establish a program under
14 which a depository institution with total consolidated
15 assets of less than \$10,000,000,000 may elect to be
16 designated as an impact bank if the total dollar
17 value of the loans extended by such depository insti-
18 tution to low-income borrowers is greater than or
19 equal to 50 percent of the assets of such bank.

20 (2) DESIGNATION.—Based on data obtained
21 through examinations, an appropriate Federal bank-
22 ing agency shall submit a notification to a depository
23 institution stating that the depository institution
24 qualifies for designation as an impact bank.

1 (3) APPLICATION.—A depository institution
2 that does not receive a notification described in
3 paragraph (2) may submit an application to the ap-
4 appropriate Federal banking agency demonstrating
5 that the depository institution qualifies for designa-
6 tion as an impact bank.

7 (4) ADDITIONAL DATA OR OVERSIGHT.—A de-
8 pository institution is not required to submit addi-
9 tional data to an appropriate Federal banking agen-
10 cy or be subject to additional oversight from such an
11 agency if such data or oversight is related specifi-
12 cally and solely for consideration for a designation
13 as an impact bank.

14 (5) REMOVAL OF DESIGNATION.—If an appro-
15 priate Federal banking agency determines that a de-
16 pository institution designated as an impact bank no
17 longer meets the criteria for such designation, the
18 appropriate Federal banking agency shall rescind
19 the designation and notify the depository institution
20 of such rescission.

21 (6) RECONSIDERATION OF DESIGNATION; AP-
22 PEALS.—A depository institution may—

23 (A) submit to the appropriate Federal
24 banking agency a request to reconsider a deter-

1 mination that such depository institution no
2 longer meets the criteria for the designation; or

3 (B) file an appeal in accordance with pro-
4 cedures established by the appropriate Federal
5 banking agency.

6 (7) RULEMAKING.—Not later than 1 year after
7 the date of the enactment of this Act, the appro-
8 priate Federal banking agencies shall jointly issue
9 rules to carry out the requirements of this para-
10 graph, including by providing a definition of a low-
11 income borrower.

12 (8) REPORTS.—Each appropriate Federal bank-
13 ing agency shall submit an annual report to the
14 Congress containing a description of actions taken to
15 carry out this paragraph.

16 (9) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
17 TIONS.—In this subsection, the terms “depository
18 institution” and “appropriate Federal banking agen-
19 cy” have the meanings given such terms, respec-
20 tively, in section 3 of the Federal Deposit Insurance
21 Act (12 U.S.C. 1813).

22 (f) MINORITY DEPOSITORY INSTITUTIONS ADVISORY
23 COMMITTEES.—

24 (1) ESTABLISHMENT.—Each covered regulator
25 shall establish an advisory committee to be called the

1 “Minority Depository Institutions Advisory Com-
2 mittee”.

3 (2) DUTIES.—Each Minority Depository Insti-
4 tutions Advisory Committee shall provide advice to
5 the respective covered regulator on meeting the goals
6 established by section 308 of the Financial Institu-
7 tions Reform, Recovery, and Enforcement Act of
8 1989 (12 U.S.C. 1463 note) to preserve the present
9 number of covered minority institutions, preserve the
10 minority character of minority-owned institutions in
11 cases involving mergers or acquisitions, provide tech-
12 nical assistance, and encourage the creation of new
13 covered minority institutions. The scope of the work
14 of each such Minority Depository Institutions Advi-
15 sory Committee shall include an assessment of the
16 current condition of covered minority institutions,
17 what regulatory changes or other steps the respec-
18 tive agencies may be able to take to fulfill the re-
19 quirements of such section 308, and other issues of
20 concern to minority depository institutions.

21 (3) MEMBERSHIP.—

22 (A) IN GENERAL.—Each Minority Deposi-
23 tory Institutions Advisory Committee shall con-
24 sist of no more than 10 members, who—

25 (i) shall serve for one two-year term;

1 (ii) shall serve as a representative of
2 a depository institution or an insured cred-
3 it union with respect to which the respec-
4 tive covered regulator is the covered regu-
5 lator of such depository institution or in-
6 sured credit union; and

7 (iii) shall not receive pay by reason of
8 their service on the advisory committee,
9 but may receive travel or transportation
10 expenses in accordance with section 5703
11 of title 5, United States Code.

12 (B) DIVERSITY.—To the extent prac-
13 ticable, each covered regulator shall ensure that
14 the members of Minority Depository Institu-
15 tions Advisory Committee of such agency reflect
16 the diversity of depository institutions.

17 (4) MEETINGS.—

18 (A) IN GENERAL.—Each Minority Deposi-
19 tory Institutions Advisory Committee shall meet
20 not less frequently than twice each year.

21 (B) INVITATIONS.—Each Minority Deposi-
22 tory Institutions Advisory Committee shall in-
23 vite the attendance at each meeting of the Mi-
24 nority Depository Institutions Advisory Com-
25 mittee of—

1 (i) one member of the majority party
2 and one member of the minority party of
3 the Committee on Financial Services of the
4 House of Representatives and the Com-
5 mittee on Banking, Housing, and Urban
6 Affairs of the Senate; and

7 (ii) one member of the majority party
8 and one member of the minority party of
9 any relevant subcommittees of such com-
10 mittees.

11 (5) NO TERMINATION OF ADVISORY COMMIT-
12 TEES.—The termination requirements under section
13 14 of the Federal Advisory Committee Act (5 U.S.C.
14 app.) shall not apply to a Minority Depository Insti-
15 tutions Advisory Committee established pursuant to
16 this section.

17 (6) DEFINITIONS.—In this paragraph:

18 (A) COVERED REGULATOR.—The term
19 “covered regulator” means the Comptroller of
20 the Currency, the Board of Governors of the
21 Federal Reserve System, the Federal Deposit
22 Insurance Corporation, and the National Credit
23 Union Administration.

24 (B) COVERED MINORITY INSTITUTION.—
25 The term “covered minority institution” means

1 a minority depository institution (as defined in
2 section 308(b) of the Financial Institutions Re-
3 form, Recovery, and Enforcement Act of 1989
4 (12 U.S.C. 1463 note)) or a minority credit
5 union (as defined in section 1204(e) of the Fi-
6 nancial Institutions Reform, Recovery, and En-
7 forcement Act of 1989, as amended by this
8 Act).

9 (C) DEPOSITORY INSTITUTION.—The term
10 “depository institution” has the meaning given
11 under section 3 of the Federal Deposit Insur-
12 ance Act (12 U.S.C. 1813).

13 (D) INSURED CREDIT UNION.—The term
14 “insured credit union” has the meaning given
15 in section 101 of the Federal Credit Union Act
16 (12 U.S.C. 1752).

17 (7) TECHNICAL AMENDMENT.—Section 308(b)
18 of the Financial Institutions Reform, Recovery, and
19 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
20 amended by adding at the end the following new
21 paragraph:

22 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
23 pository institution’ means an ‘insured depository in-
24 stitution’ (as defined in section 3 of the Federal De-
25 posit Insurance Act (12 U.S.C. 1813)) and an in-

1 sured credit union (as defined in section 101 of the
2 Federal Credit Union Act (12 U.S.C. 1752)).”.

3 (g) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
4 INSTITUTIONS.—

5 (1) IN GENERAL.—Section 308 of the Financial
6 Institutions Reform, Recovery, and Enforcement Act
7 of 1989 (12 U.S.C. 1463 note) is amended—

8 (A) by adding at the end the following new
9 subsection:

10 “(d) FEDERAL DEPOSITS.—The Secretary of the
11 Treasury shall ensure that deposits made by Federal agen-
12 cies in minority depository institutions and impact banks
13 are collateralized or insured, as determined by the Sec-
14 retary. Such deposits shall include reciprocal deposits, as
15 defined under section 29(i)(2) of the Federal Deposit In-
16 surance Act (12 U.S.C. 1831f(i)(2)).”; and

17 (B) in subsection (b), as amended by sec-
18 tion 6(g), by adding at the end the following
19 new paragraph:

20 “(4) IMPACT BANK.—The term ‘impact bank’
21 means a depository institution designated by an ap-
22 propriate Federal banking agency pursuant to sub-
23 section (e) of the Ensuring Diversity in Community
24 Banking Act of 2020.”.

1 (2) TECHNICAL AMENDMENTS.—Section 308 of
2 the Financial Institutions Reform, Recovery, and
3 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
4 amended—

5 (A) in the matter preceding paragraph (1),
6 by striking “section—” and inserting “sec-
7 tion:”; and

8 (B) in the paragraph heading for para-
9 graph (1), by striking “FINANCIAL” and insert-
10 ing “DEPOSITORY”.

11 (h) MINORITY BANK DEPOSIT PROGRAM.—

12 (1) IN GENERAL.—Section 1204 of the Finan-
13 cial Institutions Reform, Recovery, and Enforcement
14 Act of 1989 (12 U.S.C. 1811 note) is amended to
15 read as follows:

16 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS AND**
17 **MINORITY CREDIT UNIONS.**

18 “(a) MINORITY BANK DEPOSIT PROGRAM.—

19 “(1) ESTABLISHMENT.—There is established a
20 program to be known as the ‘Minority Bank Deposit
21 Program’ to expand the use of minority banks and
22 minority credit unions.

23 “(2) ADMINISTRATION.—The Secretary of the
24 Treasury, acting through the Fiscal Service, shall—

1 “(A) on application by a depository institu-
2 tion or credit union, certify whether such depos-
3 itory institution or credit union is a minority
4 bank or minority credit union;

5 “(B) maintain and publish a list of all de-
6 pository institutions and credit unions that have
7 been certified pursuant to subparagraph (A);
8 and

9 “(C) periodically distribute the list de-
10 scribed in subparagraph (B) to—

11 “(i) all Federal departments and
12 agencies;

13 “(ii) interested State and local govern-
14 ments; and

15 “(iii) interested private sector compa-
16 nies.

17 “(3) INCLUSION OF CERTAIN ENTITIES ON
18 LIST.—A depository institution or credit union that,
19 on the date of the enactment of this section, has a
20 current certification from the Secretary of the
21 Treasury stating that such depository institution or
22 credit union is a minority bank or minority credit
23 union shall be included on the list described under
24 paragraph (2)(B).

1 “(b) EXPANDED USE AMONG FEDERAL DEPART-
2 MENTS AND AGENCIES.—

3 “(1) IN GENERAL.—Not later than 1 year after
4 the establishment of the program described in sub-
5 section (a), the head of each Federal department or
6 agency shall develop and implement standards and
7 procedures to ensure, to the maximum extent pos-
8 sible as permitted by law and consistent with prin-
9 ciples of sound financial management, the use of mi-
10 nority banks and minority credit unions to hold the
11 deposits of each such department or agency.

12 “(2) REPORT TO CONGRESS.—Not later than 2
13 years after the establishment of the program de-
14 scribed in subsection (a), and annually thereafter,
15 the head of each Federal department or agency shall
16 submit to Congress a report on the actions taken to
17 increase the use of minority banks and minority
18 credit unions hold the deposits of each such depart-
19 ment or agency.

20 “(c) DEFINITIONS.—For purposes of this section:

21 “(1) CREDIT UNION.—The term ‘credit union’
22 has the meaning given the term ‘insured credit
23 union’ in section 101 of the Federal Credit Union
24 Act (12 U.S.C. 1752).

1 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
2 pository institution’ has the meaning given in section
3 3 of the Federal Deposit Insurance Act (12 U.S.C.
4 1813).

5 “(3) MINORITY.—The term ‘minority’ means
6 any Black American, Native American, Hispanic
7 American, or Asian American.

8 “(4) MINORITY BANK.—The term ‘minority
9 bank’ means a minority depository institution as de-
10 fined in section 308 of this Act.

11 “(5) MINORITY CREDIT UNION.—The term ‘mi-
12 nority credit union’ means any credit union for
13 which more than 50 percent of the membership (in-
14 cluding board members) of such credit union are mi-
15 nority individuals, as determined by the National
16 Credit Union Administration pursuant to section
17 308 of this Act.”.

18 (2) CONFORMING AMENDMENTS.—The fol-
19 lowing provisions are amended by striking
20 “1204(c)(3)” and inserting “1204(c)”:

21 (A) Section 808(b)(3) of the Community
22 Reinvestment Act of 1977 (12 U.S.C.
23 2907(b)(3)).

1 (B) Section 40(g)(1)(B) of the Federal De-
2 posit Insurance Act (12 U.S.C.
3 1831q(g)(1)(B)).

4 (C) Section 704B(h)(4) of the Equal Cred-
5 it Opportunity Act (15 U.S.C. 1691e-2(h)(4)).

6 (i) DIVERSITY REPORT AND BEST PRACTICES.—

7 (1) ANNUAL REPORT.—Each covered regulator
8 shall submit to Congress an annual report on diver-
9 sity including the following:

10 (A) Data, based on voluntary self-identi-
11 fication, on the racial, ethnic, and gender com-
12 position of the examiners of each covered regu-
13 lator, disaggregated by length of time served as
14 an examiner.

15 (B) The status of any examiners of cov-
16 ered regulators, based on voluntary self-identi-
17 fication, as a veteran.

18 (C) Whether any covered regulator, as of
19 the date on which the report required under
20 this section is submitted, has adopted a policy,
21 plan, or strategy to promote racial, ethnic, and
22 gender diversity among examiners of the cov-
23 ered regulator.

24 (D) Whether any special training is devel-
25 oped and provided for examiners related specifi-

1 cally to working with banks that serve commu-
2 nities that are predominantly minorities, low in-
3 come, or rural, and the key focus of such train-
4 ing.

5 (2) BEST PRACTICES.—Each Office of Minority
6 and Women Inclusion of a covered regulator shall
7 develop, provide to the head of the covered regulator,
8 and make publicly available best practices—

9 (A) for increasing the diversity of can-
10 didates applying for examiner positions, includ-
11 ing through outreach efforts to recruit diverse
12 candidate to apply for entry-level examiner posi-
13 tions; and

14 (B) for retaining and providing fair consid-
15 eration for promotions within the examiner
16 staff for purposes of achieving diversity among
17 examiners.

18 (3) COVERED REGULATOR DEFINED.—In this
19 subsection, the term “covered regulator” means the
20 Comptroller of the Currency, the Board of Gov-
21 ernors of the Federal Reserve System, the Federal
22 Deposit Insurance Corporation, and the National
23 Credit Union Administration.

24 (j) INVESTMENTS IN MINORITY DEPOSITORY INSTI-
25 TUTIONS AND IMPACT BANKS.—

1 (1) CONTROL FOR CERTAIN INSTITUTIONS.—
2 Section 7(j)(8)(B) of the Federal Deposit Insurance
3 Act (12 U.S.C. 1817(j)(8)(B)) is amended to read
4 as follows:

5 “(B) ‘control’ means the power, directly or indi-
6 rectly—

7 “(i) to direct the management or policies
8 of an insured depository institution; or

9 “(ii)(I) with respect to an insured depository
10 institution, of a person to vote 25 per cen-
11 tum or more of any class of voting securities of
12 such institution; or

13 “(II) with respect to an insured depository
14 institution that is an impact bank (as des-
15 ignated pursuant to subsection (e) of the En-
16 suring Diversity in Community Banking Act of
17 2020) or a minority depository institution (as
18 defined in section 308(b) of the Financial Insti-
19 tutions Reform, Recovery, and Enforcement Act
20 of 1989), of an individual to vote 30 percent or
21 more of any class of voting securities of such an
22 impact bank or a minority depository institu-
23 tion.”.

24 (2) RULEMAKING.—The appropriate Federal
25 banking agency (as defined in section 3 of the Fed-

1 eral Deposit Insurance Act (12 U.S.C. 1813)) shall
2 jointly issue rules for de novo minority depository in-
3 stitutions and de novo impact banks (as designated
4 pursuant to subsection (e)) to allow 3 years to meet
5 the capital requirements otherwise applicable to mi-
6 nority depository institutions and impact banks.

7 (3) REPORT.—Not later than 1 year after the
8 date of the enactment of this Act, the appropriate
9 Federal banking agencies shall jointly submit to
10 Congress a report on—

11 (A) the principal causes for the low num-
12 ber of de novo minority depository institutions
13 during the 10-year period preceding the date of
14 the report;

15 (B) the main challenges to the creation of
16 de novo minority depository institutions and de
17 novo impact banks; and

18 (C) regulatory and legislative consider-
19 ations to promote the establishment of de novo
20 minority depository institutions and de novo im-
21 pact banks.

22 (k) REPORT ON COVERED MENTOR-PROTEGE PRO-
23 GRAMS.—

24 (1) REPORT.—Not later than 6 months after
25 the date of the enactment of this Act and annually

1 thereafter, the Secretary of the Treasury shall sub-
2 mit to Congress a report on participants in a cov-
3 ered mentor-protege program, including—

4 (A) an analysis of outcomes of such pro-
5 gram;

6 (B) the number of minority depository in-
7 stitutions that are eligible to participate in such
8 program but do not have large financial institu-
9 tion mentors; and

10 (C) recommendations for how to match
11 such minority depository institutions with large
12 financial institution mentors.

13 (2) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-
15 GRAM.—The term “covered mentor-protege pro-
16 gram” means a mentor-protege program estab-
17 lished by the Secretary of the Treasury pursu-
18 ant to section 45 of the Small Business Act (15
19 U.S.C. 657r).

20 (B) LARGE FINANCIAL INSTITUTION.—The
21 term “large financial institution” means any
22 entity—

23 (i) regulated by the Comptroller of the
24 Currency, the Board of Governors of the
25 Federal Reserve System, the Federal De-

1 posit Insurance Corporation, or the Na-
2 tional Credit Union Administration; and

3 (ii) that has total consolidated assets
4 greater than or equal to \$50,000,000,000.

5 (1) CUSTODIAL DEPOSIT PROGRAM FOR COVERED
6 MINORITY DEPOSITORY INSTITUTIONS AND IMPACT
7 BANKS.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, the Sec-
10 retary of the Treasury shall issue rules establishing
11 a custodial deposit program under which a covered
12 bank may receive deposits from a qualifying account.

13 (2) REQUIREMENTS.—In issuing rules under
14 paragraph (1), the Secretary of the Treasury shall—

15 (A) ensure each covered bank participating
16 in the program established under this sub-
17 section—

18 (i) has appropriate policies relating to
19 management of assets, including measures
20 to ensure the safety and soundness of each
21 such covered bank; and

22 (ii) is compliant with applicable law;
23 and

24 (B) ensure, to the extent practicable that
25 the rules do not conflict with goals described in

1 section 308(a) of the Financial Institutions Re-
2 form, Recovery, and Enforcement Act of 1989
3 (12 U.S.C. 1463 note).

4 (3) REPORT.—Each quarter, the Secretary of
5 the Treasury shall submit to Congress a report on
6 the implementation of the program established under
7 this subsection including information identifying
8 participating covered banks and the total amount of
9 deposits received by covered banks under the pro-
10 gram.

11 (4) DEFINITIONS.—In this subsection:

12 (A) COVERED BANK.—The term “covered
13 bank” means—

14 (i) a minority depository institution
15 that is well capitalized, as defined by the
16 Federal Deposit Insurance Corporation or
17 the National Credit Union Administration,
18 as appropriate; or

19 (ii) a depository institution designated
20 pursuant to subsection (e) that is well cap-
21 italized, as defined by the Federal Deposit
22 Insurance Corporation.

23 (B) QUALIFYING ACCOUNT.—The term
24 “qualifying account” means any account estab-

1 lished in the Department of the Treasury
2 that—

3 (i) is controlled by the Secretary; and

4 (ii) is expected to maintain a balance
5 greater than \$200,000,000 for the fol-
6 lowing 24-month period.

7 (m) STREAMLINED COMMUNITY DEVELOPMENT FI-
8 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

9 (1) APPLICATION PROCESSES.—Not later than
10 12 months after the date of the enactment of this
11 Act and with respect to any person having assets
12 under \$3,000,000,000 that submits an application
13 for deposit insurance with the Federal Deposit In-
14 surance Corporation that could also become a com-
15 munity development financial institution, the Fed-
16 eral Deposit Insurance Corporation, in consultation
17 with the Administrator of the Community Develop-
18 ment Financial Institutions Fund, shall—

19 (A) develop systems and procedures to
20 record necessary information to allow the Ad-
21 ministrator to conduct preliminary analysis for
22 such person to also become a community devel-
23 opment financial institution; and

24 (B) develop procedures to streamline the
25 application and annual certification processes

1 and to reduce costs for such person to become,
2 and maintain certification as, a community de-
3 velopment financial institution.

4 (2) IMPLEMENTATION REPORT.—Not later than
5 18 months after the date of the enactment of this
6 Act, the Federal Deposit Insurance Corporation
7 shall submit to Congress a report describing the sys-
8 tems and procedures required under paragraph (1).

9 (3) ANNUAL REPORT.—

10 (A) IN GENERAL.—Section 17(a)(1) of the
11 Federal Deposit Insurance Act (12 U.S.C.
12 1827(a)(1)) is amended—

13 (i) in subparagraph (E), by striking
14 “and” at the end;

15 (ii) by redesignating subparagraph
16 (F) as subparagraph (G);

17 (iii) by inserting after subparagraph
18 (E) the following new subparagraph:

19 “(F) applicants for deposit insurance that
20 could also become a community development fi-
21 nancial institution (as defined in section 103 of
22 the Riegle Community Development and Regu-
23 latory Improvement Act of 1994), a minority
24 depository institution (as defined in section 308
25 of the Financial Institutions Reform, Recovery,

1 and Enforcement Act of 1989), or an impact
2 bank (as designated pursuant to subsection (e)
3 of the Ensuring Diversity in Community Bank-
4 ing Act of 2020); and”.

5 (B) APPLICATION.—The amendment made
6 by this paragraph shall apply with respect to
7 the first report to be submitted after the date
8 that is 2 years after the date of the enactment
9 of this Act.

10 (n) TASK FORCE ON LENDING TO SMALL BUSINESS
11 CONCERNS.—

12 (1) IN GENERAL.—Not later than 6 months
13 after the date of the enactment of this Act, the Ad-
14 ministrator of the Small Business Administration
15 shall establish a task force to examine methods for
16 improving relationships between the Small Business
17 Administration and community development finan-
18 cial institutions, minority depository institutions,
19 and Impact Banks to increase the volume of loans
20 provided by such institutions to small business con-
21 cerns (as defined under section 3 of the Small Busi-
22 ness Act (15 U.S.C. 632)).

23 (2) REPORT TO CONGRESS.—Not later than 18
24 months after the establishment of the task force de-
25 scribed in paragraph (1), the Administrator of the

1 Small Business Administration shall submit to Con-
2 gress a report on the findings of such task force.

3 (o) ASSISTANCE TO MINORITY DEPOSITORY INSTITU-
4 TIONS AND IMPACT BANKS.—The Secretary of the Treas-
5 ury shall establish a program to provide assistance to a
6 minority depository institution or an impact bank (as des-
7 igned pursuant to subsection (e)) to support growth and
8 development of such minority depository institutions and
9 impact banks, including by providing assistance with ob-
10 taining or converting a charter, bylaw amendments, field-
11 of-membership expansion requests, and online training
12 and resources.

13 TITLE VIII—PROVIDING ASSISTANCE FOR
14 STATE, TERRITORY, TRIBAL, AND LOCAL
15 GOVERNMENTS

16 **SEC. 110801. EMERGENCY RELIEF FOR STATE, TERRI-**
17 **TORIAL, TRIBAL, AND LOCAL GOVERNMENTS.**

18 (a) PURCHASE OF COVID–19 RELATED MUNICIPAL
19 ISSUANCES.—Section 14(b) of the Federal Reserve Act
20 (12 U.S.C. 355) is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(3) UNUSUAL AND EXIGENT CIRCUMSTANCES.—
23 Under unusual and exigent circumstances, to buy any
24 bills, notes, revenue bonds, and warrants issued by any
25 State, county, district, political subdivision, municipality,

1 or entity that is a combination of any of the several States,
2 the District of Columbia, or any of the territories and pos-
3 sessions of the United States. In this paragraph, the term
4 ‘State’ means each of the several States, the District of
5 Columbia, each territory and possession of the United
6 States, and each federally recognized Indian Tribe.”.

7 (b) FEDERAL RESERVE AUTHORIZATION TO PUR-
8 CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—
9 Within 7 days after the date of the enactment of this sub-
10 section, the Board of Governors of the Federal Reserve
11 System shall modify the Municipal Liquidity Facility (es-
12 tablished on April 9, 2020, pursuant to section 13(3) of
13 the Federal Reserve Act (12 U.S.C. 343(3))) to—

14 (1) ensure such facility is operational until De-
15 cember 31, 2021;

16 (2) allow for the purchase of bills, notes, bonds,
17 and warrants with maximum maturity of 10 years
18 from the date of such purchase;

19 (3) ensure that any purchases made are at an
20 interest rate equal to the discount window primary
21 credit interest rate most recently published on the
22 Federal Reserve Statistical Release on selected inter-
23 est rates (daily or weekly), commonly referred to as
24 the “H.15 release” or the “Federal funds rate”;

1 (4) ensure that an eligible issuer does not need
2 to attest to an inability to secure credit elsewhere;
3 and

4 (5) include in the list of eligible issuers for such
5 purchases—

6 (A) any of the territories and possessions
7 of the United States;

8 (B) a political subdivision of a State with
9 a population of more than 50,000 residents;
10 and

11 (C) an entity that is a combination of any
12 of the several States, the District of Columbia,
13 or any of the territories and possessions of the
14 United States.

15 **SEC. 110802. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

16 (a) FUNDING AND ALLOCATIONS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated
19 \$5,000,000,000 for assistance in accordance with
20 this section under the community development block
21 grant program under title I of the Housing and
22 Community Development Act of 1974 (42 U.S.C.
23 5301 et seq.), which shall remain available until
24 September 30, 2023.

1 (2) ALLOCATION.—Amounts made available
2 pursuant to paragraph (1) shall be distributed pur-
3 suant to section 106 of such Act (42 U.S.C. 5306)
4 to grantees and such allocations shall be made with-
5 in 30 days after the date of the enactment of this
6 Act.

7 (b) TIME LIMITATION ON EMERGENCY GRANT PAY-
8 MENTS.—Paragraph (4) of section 570.207(b) of the Sec-
9 retary’s regulations (24 C.F.R. 570.207(b)(4)) shall be
10 applied with respect to grants with amounts made avail-
11 able pursuant to subsection (a), by substituting “121 con-
12 secutive months” for “3 consecutive months”.

13 (c) MATCHING OF AMOUNTS USED FOR ADMINISTRA-
14 TIVE COSTS.—Any requirement for a State to match or
15 supplement amounts expended for program administration
16 of State grants under section 106(d) of the Housing and
17 Community Development Act of 1974 (42 U.S.C.
18 5306(d)) shall not apply with respect to amounts made
19 available pursuant to subsection (a).

20 (d) CAPER INFORMATION.—During the period that
21 begins on the date of enactment of this Act and ends on
22 the date of the termination by the Federal Emergency
23 Management Agency of the emergency declared on March
24 13, 2020, by the President under the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 4121 et seq.) relating to the Coronavirus Disease 2019
2 (COVID-19) pandemic, the Secretary shall make all infor-
3 mation included in Consolidated Annual Performance and
4 Evaluation Reports relating to assistance made available
5 pursuant to this section publicly available on its website
6 on a quarterly basis.

7 (e) **AUTHORITY; WAIVERS.**—Any provisions of, and
8 waivers and alternative requirements issued by the Sec-
9 retary pursuant to, the heading “Department of Housing
10 and Urban Development—Community Planning and De-
11 velopment —Community Development Fund” in title XII
12 of division B of the CARES Act (Public Law 116-136)
13 shall apply with respect to amounts made available pursu-
14 ant to subsection (a) of this section.

15 **TITLE IX—PROVIDING OVERSIGHT AND**
16 **PROTECTING TAXPAYERS**

17 **SEC. 110901. MANDATORY REPORTS TO CONGRESS.**

18 (a) **DISCLOSURE OF TRANSACTION REPORTS.**—Sec-
19 tion 4026(b)(1)(A)(iii) of the CARES Act (Public Law
20 116–136) is amended—

21 (1) in subclause (IV)—

22 (A) by inserting “and the justification for
23 such exercise of authority” after “authority”;
24 and

25 (B) by striking “and” at the end;

1 (2) in subclause (V), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(VI) the identity of each recipi-
5 ent of a loan or loan guarantee de-
6 scribed in subclause (I);

7 “(VII) the date and amount of
8 each such loan or loan guarantee and
9 the form in which each such loan or
10 loan guarantee was provided;

11 “(VIII) the material terms of
12 each such loan or loan guarantee, in-
13 cluding—

14 “(aa) duration;

15 “(bb) collateral pledged and
16 the value thereof;

17 “(cc) all interest, fees, and
18 other revenue or items of value to
19 be received in exchange for such
20 loan or loan guarantee;

21 “(dd) any requirements im-
22 posed on the recipient with re-
23 spect to employee compensation,
24 distribution of dividends, or any

1 other corporate decision in ex-
2 change for the assistance; and

3 “(ee) the expected costs to
4 the Federal Government with re-
5 spect to such loans or loan guar-
6 antees.”.

7 (b) REPORTS BY THE SECRETARY OF THE TREAS-
8 URY.—Section 4018 of the CARES Act (Public Law 116–
9 136) is amended by adding at the end the following:

10 “(k) REPORTS BY THE SECRETARY.—Not later than
11 7 days after the last day of each month, the Secretary
12 shall submit to the Special Inspector General, the Com-
13 mittee on Financial Services of the House of Representa-
14 tives, and the Committee on Banking, Housing, and
15 Urban Affairs of the Senate a report that includes the in-
16 formation specified in subparagraphs (A) through (E) of
17 subsection (c)(1) with respect to the making, purchase,
18 management, and sale of loans, loan guarantees, and other
19 investments made by the Secretary under any program es-
20 tablished by the Secretary under this Act.”.

21 **SEC. 110902. DISCRETIONARY REPORTS TO CONGRESS.**

22 Section 4020(b) of the CARES Act (Public Law 116–
23 136) is amended by adding at the end the following:

24 “(3) DISCRETIONARY REPORTS TO CON-
25 GRESS.—In addition to the reports required under

1 paragraph (2), the Oversight Commission may sub-
2 mit other reports to Congress at such time, in such
3 manner, and containing such information as the
4 Oversight Commission determines appropriate.”.

5 **SEC. 110903. DEFINITION OF APPROPRIATE CONGRES-**
6 **SIONAL COMMITTEES.**

7 (a) PANDEMIC RESPONSE ACCOUNTABILITY COM-
8 MITTEE.—Section 15010(a)(2) of the CARES Act (Public
9 Law 116–136) is amended—

10 (1) by redesignating subparagraphs (B)
11 through (D) as subparagraphs (D) through (F), re-
12 spectively; and

13 (2) by inserting after subparagraph (A) the fol-
14 lowing:

15 “(B) the Committee on Banking, Housing,
16 and Urban Affairs of the Senate;

17 “(C) the Committee on Financial Services
18 of the House of Representatives;”.

19 (b) OVERSIGHT AND AUDIT AUTHORITY.—Section
20 19010(a)(1) of the CARES Act (Public Law 116–136) is
21 amended—

22 (1) by redesignating subparagraphs (B)
23 through (G) as subparagraphs (D) through (I), re-
24 spectively; and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) the Committee on Banking, Housing,
4 and Urban Affairs of the Senate;

5 “(C) the Committee on Financial Services
6 of the House of Representatives;”.

7 **SEC. 110904. REPORTING BY INSPECTORS GENERAL.**

8 (a) DEFINITION OF COVERED AGENCY.—In this sec-
9 tion, the term “covered agency” means—

10 (1) the Department of the Treasury;

11 (2) the Federal Deposit Insurance Corporation;

12 (3) the Office of the Comptroller of the Cur-
13 rency;

14 (4) the Board of Governors of the Federal Re-
15 serve System;

16 (5) the National Credit Union Administration;

17 (6) the Bureau of Consumer Financial Protec-
18 tion;

19 (7) the Department of Housing and Urban De-
20 velopment;

21 (8) the Department of Agriculture, Rural Hous-
22 ing Service;

23 (9) the Securities and Exchange Commission;

24 and

25 (10) the Federal Housing Finance Agency.

1 (b) REPORT.—The Inspector General of each covered
2 agency shall include in each semiannual report submitted
3 by the Inspector General the findings of the Inspector
4 General on the effectiveness of—

5 (1) rulemaking by the covered agency related to
6 COVID–19; and

7 (2) supervision and oversight by the covered
8 agency of institutions and entities that participate in
9 COVID–19-related relief, funding, lending, or other
10 programs of the covered agency.

11 (c) SUBMISSION.—The Inspector General of each cov-
12 ered agency shall submit the information required to be
13 included in each semiannual report under subsection (b)
14 to—

15 (1) the Special Inspector General for Pandemic
16 Recovery appointed under section 4018 of division A
17 of the CARES Act (Public Law 116–136);

18 (2) the Pandemic Response Accountability
19 Committee established under section 15010 of divi-
20 sion B of the CARES Act (Public Law 116–136);
21 and

22 (3) the Congressional Oversight Commission es-
23 tablished under section 4020 of division A of the
24 CARES Act (Public Law 116–136).

1 **DIVISION L—FAMILIES, WORK-**
2 **ERS, AND COMMUNITY SUP-**
3 **PORT PROVISIONS**

4 **TITLE I—AMENDMENTS TO**
5 **EMERGENCY FAMILY AND**
6 **MEDICAL LEAVE EXPANSION**
7 **ACT AND EMERGENCY PAID**
8 **SICK LEAVE ACT**

9 **Subtitle A—Emergency Family and**
10 **Medical Leave Expansion Act**
11 **Amendments**

12 **SEC. 120101. REFERENCES.**

13 Except as otherwise expressly provided, whenever in
14 this subtitle an amendment or repeal is expressed in terms
15 of an amendment to, or repeal of, a section or other provi-
16 sion, the reference shall be considered to be made to a
17 section or other provision of the Family and Medical Leave
18 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the
19 Emergency Family and Medical Leave Expansion Act
20 (Public Law 116–127).

21 **SEC. 120102. EMPLOYEE ELIGIBILITY AND EMPLOYER**
22 **CLARIFICATION.**

23 (a) **EMPLOYEE ELIGIBILITY.**—Section 101(2) is
24 amended by adding at the end the following:

1 “(F) ALTERNATIVE ELIGIBILITY FOR
2 COVID–19 PUBLIC HEALTH EMERGENCY.—For
3 the period beginning on the date of enactment
4 of the HEROES Act and ending on December
5 31, 2022—

6 “(i) subparagraph (A)(i) shall be ap-
7 plied by substituting ‘90 days’ for ‘12
8 months’; and

9 “(ii) subparagraph (A)(ii) shall not
10 apply.”.

11 (b) EMPLOYER CLARIFICATION.—Section 101(4) is
12 amended by adding at the end the following:

13 “(C) CLARIFICATION.—Subparagraph
14 (A)(i) shall not apply with respect to a public
15 agency described in subparagraph (A)(iii).”.

16 **SEC. 120103. EMERGENCY LEAVE EXTENSION.**

17 Section 102(a)(1)(F) is amended by striking “De-
18 cember 31, 2020” and inserting “December 31, 2021”.

19 **SEC. 120104. EMERGENCY LEAVE DEFINITIONS.**

20 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
21 amended in subparagraph (A), by striking “sections
22 101(2)(A) and 101(2)(B)(ii)” and inserting “section
23 101(2)”.

1 (b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B)
2 is amended by striking “fewer than 500 employees” and
3 inserting “1 or more employees”.

4 (c) PARENT.—Section 110(a)(1) is amended by add-
5 ing at the end the following:

6 “(C) PARENT.—In lieu of the definition in
7 section 101(7), the term ‘parent’, with respect
8 to an employee, means any of the following:

9 “(i) A biological, foster, or adoptive
10 parent of the employee.

11 “(ii) A stepparent of the employee.

12 “(iii) A parent-in-law of the employee.

13 “(iv) A parent of a domestic partner
14 of the employee.

15 “(v) A legal guardian or other person
16 who stood in loco parentis to an employee
17 when the employee was a child.”.

18 (d) QUALIFYING NEED RELATED TO A PUBLIC
19 HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended
20 to read as follows:

21 “(A) QUALIFYING NEED RELATED TO A
22 PUBLIC HEALTH EMERGENCY.—The term
23 ‘qualifying need related to a public health emer-
24 gency’, with respect to leave, means that the
25 employee is unable to perform the functions of

1 the position of such employee due to a need for
2 leave for any of the following:

3 “(i) To self-isolate because the em-
4 ployee is diagnosed with COVID–19.

5 “(ii) To obtain a medical diagnosis or
6 care if such employee is experiencing the
7 symptoms of COVID–19.

8 “(iii) To comply with a recommenda-
9 tion or order by a public official with juris-
10 diction or a health care provider to self iso-
11 late, without regard to whether such rec-
12 ommendation or order is specific to the
13 employee, on the basis that the physical
14 presence of the employee on the job would
15 jeopardize the employee’s health, the
16 health of other employees, or the health of
17 an individual in the household of the em-
18 ployee because of—

19 “(I) the possible exposure of the
20 employee to COVID–19; or

21 “(II) exhibition of symptoms of
22 COVID–19 by the employee.

23 “(iv) To care for or assist a family
24 member of the employee, without regard to
25 whether another individual other than the

1 employee is available to care for or assist
2 such family member, because—

3 “(I) such family member—

4 “(aa) is self-isolating be-
5 cause such family member has
6 been diagnosed with COVID–19;
7 or

8 “(bb) is experiencing symp-
9 toms of COVID–19 and needs to
10 obtain medical diagnosis or care;
11 or

12 “(II) a public official with juris-
13 diction or a health care provider
14 makes a recommendation or order
15 with respect to such family member,
16 without regard to whether such deter-
17 mination is specific to such family
18 member, that the presence of the fam-
19 ily member in the community would
20 jeopardize the health of other individ-
21 uals in the community because of—

22 “(aa) the possible exposure
23 of such family member to
24 COVID–19; or

1 “(bb) exhibition of symp-
2 toms of COVID–19 by such fam-
3 ily member.

4 “(v) To care for the son or daughter
5 of such employee if the school or place of
6 care has been closed, or the child care pro-
7 vider of such son or daughter is unavail-
8 able, due to COVID–19.

9 “(vi) To care for a family member
10 who is incapable of self-care because of a
11 mental or physical disability or is a senior
12 citizen, without regard to whether another
13 individual other than the employee is avail-
14 able to care for such family member, if the
15 place of care for such family member is
16 closed or the direct care provider is un-
17 available due to COVID–19.”.

18 (e) FAMILY MEMBER.—Section 110(a)(2) is amended
19 by adding at the end the following:

20 “(E) FAMILY MEMBER.—The term ‘family
21 member’, with respect to an employee, means
22 any of the following:

23 “(i) A parent of the employee.

24 “(ii) A spouse of the employee.

25 “(iii) A sibling of the employee.

1 “(iv) Next of kin of the employee or
2 a person for whom the employee is next of
3 kin.

4 “(v) A son or daughter of the em-
5 ployee.

6 “(vi) A grandparent or grandchild of
7 the employee.

8 “(vii) A domestic partner of the em-
9 ployee.

10 “(viii) Any other individual related by
11 blood or affinity whose close association
12 with the employee is the equivalent of a
13 family relationship.

14 “(F) DOMESTIC PARTNER.—

15 “(i) IN GENERAL.—The term ‘domes-
16 tic partner’, with respect to an individual,
17 means another individual with whom the
18 individual is in a committed relationship.

19 “(ii) COMMITTED RELATIONSHIP DE-
20 FINED.—The term ‘committed relationship’
21 means a relationship between 2 individuals,
22 each at least 18 years of age, in which
23 each individual is the other individual’s
24 sole domestic partner and both individuals
25 share responsibility for a significant meas-

1 ure of each other’s common welfare. The
2 term includes any such relationship be-
3 tween 2 individuals that is granted legal
4 recognition by a State or political subdivi-
5 sion of a State as a marriage or analogous
6 relationship, including a civil union or do-
7 mestic partnership.”.

8 **SEC. 120105. REGULATORY AUTHORITIES.**

9 (a) IN GENERAL.—Section 110(a) is amended by
10 striking paragraph (3).

11 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
12 ulation issued under section 110(a)(3), as in effect on the
13 day before the date of the enactment of this Act, shall
14 have no force or effect.

15 **SEC. 120106. PAID LEAVE.**

16 Section 110(b) of the Family and Medical Leave Act
17 of 1993 is amended—

18 (1) in the heading, by striking “Relationship
19 to”;

20 (2) by amending paragraph (1) to read as fol-
21 lows:

22 “(1) EMPLOYEE ELECTION.—

23 “(A) IN GENERAL.—An employee may
24 elect to substitute any vacation leave, personal
25 leave, or medical or sick leave for paid leave

1 under section 102(a)(1)(F) in accordance with
2 section 102(d)(2)(B).

3 “(B) EMPLOYER REQUIREMENT.—An em-
4 ployer may not require an employee to sub-
5 stitute any leave described in subparagraph (A)
6 for leave under section 102(a)(1)(F).

7 “(C) RELATIONSHIP TO OTHER FAMILY
8 AND MEDICAL LEAVE.—Leave taken under sub-
9 paragraph (F) of section 102(a)(1) shall not
10 count towards the 12 weeks of leave to which
11 an employee is entitled under subparagraphs
12 (A) through (E) of such section.

13 “(D) RELATIONSHIP TO LIMITATION.—
14 Compensation for any vacation leave, personal
15 leave, or medical or sick leave that is sub-
16 stituted for leave under section 102(a)(1)(F)
17 shall not count toward the limitation under
18 paragraph (2)(B)(ii).”; and

19 (3) in paragraph (2)(A), by striking “that an
20 employee takes” and all that follows through “10
21 days”.

22 **SEC. 120107. WAGE RATE.**

23 Section 110(b)(2)(B) is amended—

24 (1) by amending clause (i)(I) to read as follows:

1 “(I) an amount that is not less
2 than the greater of—

3 “(aa) the minimum wage
4 rate in effect under section
5 6(a)(1) of the Fair Labor Stand-
6 ards Act of 1938 (29 U.S.C.
7 206(a)(1));

8 “(bb) the minimum wage
9 rate in effect for such employee
10 in the applicable State or locality,
11 whichever is greater, in which the
12 employee is employed; or

13 “(cc) two thirds of an em-
14 ployee’s regular rate of pay (as
15 determined under section 7(e) of
16 the Fair Labor Standards Act of
17 1938 (29 U.S.C. 207(e)); and”;
18 and

19 (2) in clause (ii), by striking “\$10,000” and in-
20 serting “\$12,000”.

21 **SEC. 120108. NOTICE.**

22 Section 110(c) is amended by striking “for the pur-
23 pose described in subsection (a)(2)(A)”.

1 **SEC. 120109. INTERMITTENT LEAVE.**

2 Section 110 is amended by adding at the end the fol-
3 lowing:

4 “(e) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
5 DUCED WORK SCHEDULE.—Leave under section
6 102(a)(1)(F) may be taken by an employee intermittently
7 or on a reduced work schedule, without regard to whether
8 the employee and the employer of the employee have an
9 agreement with respect to whether such leave may be
10 taken intermittently or on a reduced work schedule.”.

11 **SEC. 120110. CERTIFICATION.**

12 Section 110 is further amended by adding at the end
13 the following:

14 “(f) CERTIFICATION.—

15 “(1) IN GENERAL.—If an employer requires
16 that a request for leave under section 102(a)(1)(F)
17 be certified, the employer may require documenta-
18 tion for certification not earlier than 5 weeks after
19 the date on which the employee takes such leave.

20 “(2) SUFFICIENT CERTIFICATION.—The fol-
21 lowing documentation shall be sufficient for certifi-
22 cation:

23 “(A) With respect to leave taken for the
24 purposes described in clauses (i) through (iv) of
25 subsection (a)(2)(A)—

1 “(i) a recommendation or order from
2 a public official having jurisdiction or a
3 health care provider that the employee or
4 relevant family member has symptoms of
5 COVID–19 or should self-isolate; or

6 “(ii) documentation or evidence, in-
7 cluding an oral or written statement from
8 an employee, that the employee or relevant
9 family member has been exposed to
10 COVID–19.

11 “(B) With respect to leave taken for the
12 purposes described in clause (v) or (vi) of sub-
13 section (a)(2)(A), notice from the school, place
14 of care, or child care or direct care provider of
15 the son or daughter or other family member of
16 the employee of closure or unavailability.”.

17 **SEC. 120111. AUTHORITY OF THE DIRECTOR OF THE OF-**
18 **FICE OF MANAGEMENT AND BUDGET TO EX-**
19 **CLUDE CERTAIN EMPLOYEES.**

20 Section 110(a) is amended by striking paragraph (4).

21 **SEC. 120112. TECHNICAL AMENDMENTS.**

22 (a) Section 110(a)(1)(A) is amended by striking
23 “(ii)” before “SPECIAL RULE” and inserting “(iii)”.

24 (b) Section 19008 of the CARES Act is amended—
25 (1) by striking “—” after “amended”;

1 (2) by striking paragraph (1); and

2 (3) by striking “(2)” before “by adding at the
3 end”.

4 **SEC. 120113. AMENDMENTS TO THE EMERGENCY FAMILY
5 AND MEDICAL LEAVE EXPANSION ACT.**

6 The Emergency Family and Medical Leave Expan-
7 sion Act (Public Law 116–127) is amended—

8 (1) in section 3103(b), by striking “Employees”
9 and inserting, “Notwithstanding section
10 102(a)(1)(A) of the Family and Medical Leave Act
11 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and
12 (2) by striking sections 3104 and 3105.

13 **Subtitle B—Emergency Paid Sick
14 Leave Act Amendments**

15 **SEC. 120114. REFERENCES.**

16 Except as otherwise expressly provided, whenever in
17 this subtitle an amendment or repeal is expressed in terms
18 of an amendment to, or repeal of, a section or other provi-
19 sion, the reference shall be considered to be made to a
20 section or other provision of division E of the Families
21 First Coronavirus Response Act (Public Law 116–127).

22 **SEC. 120115. PAID SICK TIME REQUIREMENT.**

23 (a) USES.—Section 5102(a) is amended to read as
24 follows:

1 “(a) IN GENERAL.—An employer shall provide to
2 each employee employed by the employer paid sick time
3 for any qualifying need related to a public health emer-
4 gency (as defined in section 110(a)(2)(A) of the Family
5 and Medical Leave Act of 1993 (29 U.S.C.
6 2620(a)(2)(A)).”.

7 (b) RECURRENCE.—Section 5102(b) is amended by
8 striking “An” and inserting “During any 12-month pe-
9 riod, an”.

10 (c) EMPLOYERS WITH EXISTING POLICIES.—Section
11 5102 is amended by striking subsection (f) and inserting
12 the following:

13 “(f) EMPLOYERS WITH EXISTING POLICIES.—With
14 respect to an employer that provides paid leave on the day
15 before the date of enactment of this Act—

16 “(1) the paid sick time under this Act shall be
17 made available to employees of the employer in addi-
18 tion to such paid leave; and

19 “(2) the employer may not change such paid
20 leave on or after such date of enactment to avoid
21 being subject to paragraph (1).”.

22 (d) INTERMITTENT LEAVE.—Section 5102 is further
23 amended by adding at the end the following:

24 “(g) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
25 DUCED WORK SCHEDULE.—Leave under section 5102

1 may be taken by an employee intermittently or on a re-
2 duced work schedule, without regard to whether the em-
3 ployee and the employer of the employee have an agree-
4 ment with respect to whether such leave may be taken
5 intermittently or on a reduced work schedule.”.

6 (e) CERTIFICATION.—Section 5102 is further amend-
7 ed by adding at the end the following:

8 “(h) CERTIFICATION.—If an employer requires that
9 a request for paid sick time under this section be cer-
10 tified—

11 “(1) the documentation described in paragraph
12 (2) of section 110(f) of the Family and Medical
13 Leave Act of 1993 (29 U.S.C. 2620(f)) shall be suf-
14 ficient for certification; and

15 “(2) an employer may not require such certifi-
16 cation unless—

17 “(A) the employee takes not less than 3
18 consecutive days of paid sick time; and

19 “(B) the employer requires documents for
20 such certification not earlier than 7 workdays
21 after the employee returns to work after such
22 paid sick time.”.

23 (f) NOTICE.—Section 5102 is further amended by
24 adding at the end the following:

1 “(i) NOTICE.—In any case where the necessity for
2 leave under this section is foreseeable, an employee shall
3 provide the employer with such notice of leave as is prac-
4 ticable.”.

5 (g) LEAVE TRANSFER TO NEW EMPLOYER.—Section
6 5102 is further amended by adding at the end the fol-
7 lowing:

8 “(j) LEAVE TRANSFER TO NEW EMPLOYER.—A cov-
9 ered employee who begins employment with a new covered
10 employer shall be entitled to the full amount of leave under
11 section 5102 with respect to such employer.”.

12 (h) RESTORATION TO POSITION.—

13 (1) IN GENERAL.—Section 5102 is further
14 amended by adding at the end the following:

15 “(k) RESTORATION TO POSITION.—Any covered em-
16 ployee who takes paid sick time under this section, on re-
17 turn from such paid sick time, shall be entitled—

18 “(1) to be restored by the employer to the posi-
19 tion of employment held by the employee when the
20 leave commenced; or

21 “(2) if such position is not available, to be re-
22 stored to an equivalent position with equivalent em-
23 ployment benefits, pay, and other terms and condi-
24 tions of employment.”.

1 (2) ENFORCEMENT.—Section 5105 is amend-
2 ed—

3 (A) by amending subsection (a) to read as
4 follows:

5 “(a) UNPAID SICK LEAVE.—Subject to subsection
6 (b), a violation of section 5102 shall be deemed a violation
7 of section 7 of the Fair Labor Standards Act of 1938 (29
8 U.S.C. 207) and unpaid amounts shall be treated as un-
9 paid overtime compensation under such section for the
10 purposes of sections 15 and 16 of such Act (29 U.S.C.
11 215 and 216).”;

12 (B) in subsection (b), by inserting “section
13 5102(k) or” before “section 5104”.

14 **SEC. 120116. SUNSET.**

15 Section 5109 is amended by striking “December 31,
16 2020” and inserting “December 31, 2021”.

17 **SEC. 120117. DEFINITIONS.**

18 (a) EMPLOYER.—Section 5110(2)(B) is amended—

19 (1) by striking “terms” and inserting “term”;

20 (2) by amending subclause (I) of clause (i) to
21 read as follows:

22 “(I) means any person engaged
23 in commerce or in any industry or ac-
24 tivity affecting commerce that employs
25 1 or more employees;”;

1 (3) by amending clause (ii) to read as follows:

2 “(ii) PUBLIC AGENCY AND NON-PROF-
3 IT ORGANIZATIONS.—For purposes of
4 clause (i)(III) and (i)(I), a public agency
5 and a nonprofit organization shall be con-
6 sidered to be a person engaged in com-
7 merce or in an industry or activity affect-
8 ing commerce.”.

9 (b) FMLA TERMS.—Section 5110(4) is amended to
10 read as follows:

11 “(4) FMLA TERMS.—

12 “(A) SECTION 101.—The terms ‘health
13 care provider’, ‘next of kin’, ‘son or daughter’,
14 and ‘spouse’ have the meanings given such
15 terms in section 101 of the Family and Medical
16 Leave Act of 1993 (29 U.S.C. 2611).

17 “(B) SECTION 110.—The terms ‘child care
18 provider’, ‘domestic partner’, ‘family member’,
19 ‘parent’, and ‘school’ have the meanings given
20 such terms in section 110(a)(2) of the Family
21 and Medical and Leave Act of 1993.”.

22 (c) PAID SICK TIME.—Section 5110(5) is amended—

23 (1) in subparagraph (A)—

24 (A) in clause (i), by striking “reason de-
25 scribed in any paragraph of section 2(a)” and

1 inserting “qualifying need related to a public
2 health emergency”; and

3 (B) in clause (ii), by striking “exceed” and
4 all that follows and inserting “exceed \$511 per
5 day and \$5,110 in the aggregate.”;

6 (2) in subparagraph (B)—

7 (A) by striking the following:

8 “(B) REQUIRED COMPENSATION.—

9 “(i) IN GENERAL.—Subject to sub-
10 paragraph (A)(ii),”; and inserting the fol-
11 lowing:

12 “(B) REQUIRED COMPENSATION.—Subject
13 to subparagraph (A)(ii),”; and

14 (B) by striking clause (ii); and

15 (3) in subparagraph (C), by striking “ section
16 2(a)” and inserting “section 5102(a)”.

17 (d) QUALIFYING NEED RELATED TO A PUBLIC
18 HEALTH EMERGENCY.—Section 5110 is amended by add-
19 ing at the end the following:

20 “(1) QUALIFYING NEED RELATED TO A PUBLIC
21 HEALTH EMERGENCY.—The term ‘qualifying need
22 related to a public health emergency’ has the mean-
23 ing given such term in section 110(a)(2)(A) of the
24 Family and Medical Leave Act of 1993 (29 U.S.C.
25 2620(a)(2)(A)).”.

1 **SEC. 120118. EMERGENCY PAID SICK LEAVE FOR EMPLOY-**
2 **EES OF THE DEPARTMENT OF VETERANS AF-**
3 **FAIRS AND THE TRANSPORTATION SECURITY**
4 **ADMINISTRATION FOR PURPOSES RELATING**
5 **TO COVID-19.**

6 Section 5110(1) is further amended—

7 (1) in subparagraph (E) by striking “or” after
8 “Code;”;

9 (2) by redesignating subparagraph (F) as sub-
10 paragraph (H); and

11 (3) by inserting after subparagraph (E) the fol-
12 lowing:

13 “(F) notwithstanding sections 7421(a) or
14 7425(b) of title 38, United States Code, or any
15 other provision of law, an employee of the De-
16 partment of Veterans Affairs (including employ-
17 ees under chapter 74 of such title);

18 “(G) any employee of the Transportation
19 Security Administration, including an employee
20 under 111(d) of the Aviation and Transpor-
21 tation Security Act (49 U.S.C. 44935 note);
22 or”.

23 **SEC. 120119. AUTHORITY OF THE DIRECTOR OF THE OF-**
24 **FICE OF MANAGEMENT AND BUDGET TO EX-**
25 **CLUDE CERTAIN EMPLOYEES.**

26 Division E is amended by striking section 5112.

1 **SEC. 120120. REGULATORY AUTHORITIES.**

2 (a) IN GENERAL.—Division E is amended by striking
3 section 5111.

4 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
5 ulation issued under section 5111 of division E of the
6 Families First Coronavirus Response Act (Public Law
7 116–127), as in effect on the day before the date of the
8 enactment of this Act, shall have no force or effect.

9 **TITLE II—COVID-19 WORKFORCE**
10 **DEVELOPMENT RESPONSE**
11 **ACTIVITIES**

12 **SEC. 120201. DEFINITIONS AND SPECIAL RULE.**

13 (a) DEFINITIONS.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided, the terms in this title have the meanings
16 given the terms in section 3 of the Workforce Inno-
17 vation and Opportunity Act (29 U.S.C. 3102).

18 (2) APPRENTICESHIP; APPRENTICESHIP PRO-
19 GRAM.—The terms “apprenticeship” or “apprentice-
20 ship program” mean an apprenticeship program reg-
21 istered under the Act of August 16, 1937 (commonly
22 known as the “National Apprenticeship Act”) (50
23 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), in-
24 cluding any requirement, standard, or rule promul-
25 gated under such Act, as such requirement, stand-
26 ard, or rule was in effect on December 30, 2019.

1 (3) CORONAVIRUS.—The term “coronavirus”
2 means coronavirus as defined in section 506 of the
3 Coronavirus Preparedness and Response Supple-
4 mental Appropriations Act, 2020 (Public Law 116–
5 123).

6 (4) COVID–19 NATIONAL EMERGENCY.—The
7 term “COVID–19 national emergency” means the
8 national emergency declared by the President under
9 the National Emergencies Act (50 U.S.C. 1601 et
10 seq.) on March 13, 2020, with respect to the
11 coronavirus.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of Labor.

14 (b) SPECIAL RULE.—For purposes of this Act, in fis-
15 cal years 2020 and 2021, funds are authorized to be ap-
16 propriated for activities under the Workforce Innovation
17 and Opportunity Act, except that funds are only author-
18 ized to support apprenticeship programs as defined under
19 subsection (a)(2) of this section, including any funds
20 awarded for the purposes of grants, contracts, or coopera-
21 tive agreements, or the development, implementation, or
22 administration, of an apprenticeship or an apprenticeship
23 program.

1 **SEC. 120202. JOB CORPS RESPONSE TO THE COVID-19 NA-**
2 **TIONAL EMERGENCY.**

3 In order to provide for the successful continuity of
4 services and enrollment periods during the COVID-19 na-
5 tional emergency, additional flexibility shall be provided
6 for Job Corps operators, providers of eligible activities,
7 and practitioners, including the following:

8 (1) **ELIGIBILITY.**—Notwithstanding the age re-
9 quirements for enrollment under section 144(a)(1)
10 of the Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3194(a)(1)), an individual seeking to en-
12 roll in Job Corps and who turns 25 during the
13 COVID-19 national emergency is eligible for such
14 enrollment.

15 (2) **ENROLLMENT LENGTH.**—Notwithstanding
16 section 146(b) of the Workforce Innovation and Op-
17 portunity Act (29 U.S.C. 3196(b)), an individual en-
18 rolled in Job Corps during the COVID-19 national
19 emergency may extend their period of enrollment for
20 more than 2 years as long as such extension does
21 not exceed a 2-year, continuous period of enrollment
22 after the COVID-19 national emergency.

23 (3) **ADVANCED CAREER TRAINING PROGRAMS.**—
24 Notwithstanding paragraph (2), with respect to ad-
25 vanced career training programs under section
26 148(c) of the Workforce Innovation and Opportunity

1 Act (29 U.S.C. 3198(c)) in which the enrollees may
2 continue to participate for a period not to exceed 1
3 year in addition to the period of participation to
4 which the enrollees would otherwise be limited, the
5 COVID–19 national emergency shall not be consid-
6 ered as any portion of such additional 1-year partici-
7 pation period.

8 (4) COUNSELING, JOB PLACEMENT, AND AS-
9 SESSMENT.—The counseling, job placement, and as-
10 sessment services described in section 149 of the
11 Workforce Innovation and Opportunity Act (29
12 U.S.C. 3199) shall be available to former enrollees—

13 (A) whose enrollment was interrupted due
14 to the COVID–19 national emergency;

15 (B) who graduated from Job Corps on or
16 after January 1, 2020; or

17 (C) who graduated from Job Corps not
18 later than 3 months after the COVID–19 na-
19 tional emergency.

20 (5) SUPPORT.—The Secretary shall provide ad-
21 ditional support for the transition periods described
22 in section 150 of the Workforce Innovation and Op-
23 portunity Act (29 U.S.C. 3200), including the fol-
24 lowing:

1 (A) TRANSITION ALLOWANCES.—The Sec-
2 retary shall provide, subject to the availability
3 of appropriations, for the provision of additional
4 transition allowances as described in subsection
5 (b) of such section 150 (29 U.S.C. 3200) for
6 Job Corps students who graduate during the
7 periods described in subparagraph (B) or (C) of
8 paragraph (4) of this paragraph.

9 (B) TRANSITION SUPPORT.—The Secretary
10 shall consider the period during the COVID–19
11 national emergency and the three month period
12 following the conclusion of the COVID–19 na-
13 tional emergency as the period in which the
14 provision of employment services as described in
15 subsection (c) of such section 150 (29 U.S.C.
16 3200) shall be provided to graduates who have
17 graduated in 2020.

18 **SEC. 120203. NATIVE AMERICAN PROGRAMS RESPONDING**
19 **TO THE COVID–19 NATIONAL EMERGENCY.**

20 As a result of challenges faced by the COVID–19 na-
21 tional emergency, the Secretary may extend, by 1 fiscal
22 year, the 4-year period for grants, contracts, and coopera-
23 tive agreements that will be awarded in fiscal year 2021
24 under subsection (c) of section 166 of the Workforce Inno-
25 vation and Opportunity Act (29 U.S.C. 3221) for funds

1 under such grants, contracts, and cooperative agreements
2 to be used to carry out the activities described in sub-
3 section (d) of such section through fiscal year 2025.

4 **SEC. 120204. MIGRANT AND SEASONAL FARMWORKER PRO-**
5 **GRAM RESPONSE.**

6 (a) **COMPETITIVE GRANT AWARDS.**—As a result of
7 challenges faced by the COVID–19 national emergency,
8 the Secretary may extend, by 1 fiscal year, the 4-year pe-
9 riod for grants and contracts that will be awarded in fiscal
10 year 2021 under subsection (a) of section 167 of the
11 Workforce Innovation and Opportunity Act (29 U.S.C.
12 3222) for funds under such grants and contracts to be
13 used to carry out the activities described in subsection (d)
14 of such section through fiscal year 2025.

15 (b) **ELIGIBLE MIGRANT AND SEASONAL FARM-**
16 **WORKER.**—Notwithstanding the definition of “eligible sea-
17 sonal farmworker” in section 167(i)(3) of the Workforce
18 Innovation and Opportunity Act (29 U.S.C. 3222(i)(3)),
19 an individual seeking to enroll in a program funded under
20 section 167 of the Workforce Innovation and Opportunity
21 Act (29 U.S.C. 3222) during the COVID–19 national
22 emergency is eligible for such enrollment if such individual
23 is a member of a family with a total family income equal
24 to or less than 150 percent of the poverty line.

1 **SEC. 120205. YOUTHBUILD ACTIVITIES RESPONDING TO**
2 **THE COVID-19 NATIONAL EMERGENCY.**

3 During the COVID-19 national emergency, the Sec-
4 retary shall provide for flexibility for YouthBuild partici-
5 pants and entities carrying out YouthBuild programs, in-
6 cluding the following:

7 (1) **ELIGIBILITY.**— Notwithstanding the age re-
8 quirements for enrollment under section
9 171(e)(1)(A)(i) of the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-
11 vidual seeking to participate in a YouthBuild pro-
12 gram and who turns 25 during the COVID-19 na-
13 tional emergency is eligible for such participation.

14 (2) **PARTICIPATION LENGTH.**—Notwithstanding
15 section 171(e)(2) of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3226(e)(2)), the period
17 of participation in a YouthBuild program may ex-
18 tend beyond 24 months for an individual partici-
19 pating in such program during the COVID-19 na-
20 tional emergency, as long as such extension does not
21 exceed a 24 month, continuous period of enrollment
22 after the COVID-19 national emergency.

23 **SEC. 120206. APPRENTICESHIP SUPPORT DURING THE**
24 **COVID-19 NATIONAL EMERGENCY.**

25 Not later than 30 days after the date of enactment
26 of this Act, the Secretary shall identify and disseminate

1 strategies and tools to support virtual and online learning
2 and training in apprenticeship programs.

3 **TITLE III—COVID-19 EVERY**
4 **WORKER PROTECTION ACT**
5 **OF 2020**

6 **SEC. 120301. SHORT TITLE.**

7 This title may be cited as the “COVID–19 Every
8 Worker Protection Act of 2020”.

9 **SEC. 120302. EMERGENCY TEMPORARY AND PERMANENT**
10 **STANDARDS.**

11 (a) EMERGENCY TEMPORARY STANDARD.—

12 (1) IN GENERAL.—In consideration of the grave
13 danger presented by COVID–19 and the need to
14 strengthen protections for employees, notwith-
15 standing the provisions of law and the Executive or-
16 ders listed in paragraph (7), not later than 7 days
17 after the date of enactment of this Act, the Sec-
18 retary of Labor shall promulgate an emergency tem-
19 porary standard to protect from occupational expo-
20 sure to SARS–CoV–2—

21 (A) employees of health care sector em-
22 ployers;

23 (B) employees of employers in the para-
24 medic and emergency medical services, includ-

1 ing such services provided by firefighters and
2 other emergency responders; and

3 (C) other employees at occupational risk of
4 such exposure.

5 (2) CONSULTATION.—In developing the stand-
6 ard under this subsection, the Secretary of Labor—

7 (A) shall consult with—

8 (i) the Director of the Centers for
9 Disease Control and Prevention;

10 (ii) the Director of the National Insti-
11 tute for Occupational Safety and Health;

12 and

13 (B) may consult with the professional asso-
14 ciations and representatives of the employees in
15 the occupations and sectors described in sub-
16 paragraphs (A) through (C) of paragraph (1).

17 (3) ENFORCEMENT DISCRETION.—If the Sec-
18 retary of Labor determines it is not feasible for an
19 employer to comply with a requirement of the stand-
20 ard promulgated under this subsection (such as a
21 shortage of the necessary personal protective equip-
22 ment), the Secretary may exercise discretion in the
23 enforcement of such requirement if the employer
24 demonstrates that the employer—

1 (A) is exercising due diligence to come into
2 compliance with such requirement; and

3 (B) is implementing alternative methods
4 and measures to protect employees.

5 (4) EXTENSION OF STANDARD.—Notwith-
6 standing paragraphs (2) and (3) of section 6(c) of
7 the Occupational Safety and Health Act of 1970 (29
8 U.S.C. 655(c)), the emergency temporary standard
9 promulgated under this subsection shall be in effect
10 until the date on which the final standard promul-
11 gated under subsection (b) is in effect.

12 (5) STATE PLAN ADOPTION.—With respect to a
13 State with a State plan that has been approved by
14 the Secretary of Labor under section 18 of the Oc-
15 cupational Safety and Health Act of 1970 (29
16 U.S.C. 667), not later than 14 days after the date
17 of enactment of this Act, such State shall promul-
18 gate an emergency temporary standard that is at
19 least as effective in protecting from occupational ex-
20 posure to SARS-CoV-2 the employees in the occu-
21 pations and sectors described in subparagraphs (A)
22 through (C) of paragraph (1) as the emergency tem-
23 porary standard promulgated under this subsection.

24 (6) EMPLOYER DEFINED.—For purposes of the
25 standard promulgated under this subsection, the

1 term “employer” (as defined in section 3 of the Oc-
2 cupational Safety and Health Act of 1970 (29
3 U.S.C. 652)) includes any State or political subdivi-
4 sion of a State, except for a State or political sub-
5 division of a State already subject to the jurisdiction
6 of a State plan approved under section 18(b) of the
7 Occupational Safety and Health Act of 1970 (29
8 U.S.C. 667(b)).

9 (7) INAPPLICABLE PROVISIONS OF LAW AND
10 EXECUTIVE ORDER.—The provisions of law and the
11 Executive orders list in this paragraph are as fol-
12 lows:

13 (A) The requirements of chapter 6 of title
14 5, United States Code (commonly referred to as
15 the “Regulatory Flexibility Act”).

16 (B) Subchapter I of chapter 35 of title 44,
17 United States Code (commonly referred to as
18 the “Paperwork Reduction Act”).

19 (C) The Unfunded Mandates Reform Act
20 of 1995 (2 U.S.C. 1501 et seq.).

21 (D) Executive Order 12866 (58 Fed. Reg.
22 190; relating to regulatory planning and re-
23 view), as amended.

1 (E) Executive Order 13771 (82 Fed. Reg.
2 9339, relating to reducing regulation and con-
3 trolling regulatory costs).

4 (b) PERMANENT STANDARD.—Not later than 24
5 months after the date of enactment of this Act, the Sec-
6 retary of Labor shall, pursuant to section 6 of the Occupa-
7 tional Safety and Health Act (29 U.S.C. 655), promulgate
8 a final standard—

9 (1) to protect employees in the occupations and
10 sectors described in subparagraphs (A) through (C)
11 of subsection (a)(1) from occupational exposure to
12 infectious pathogens, including novel pathogens; and

13 (2) that shall be effective and enforceable in the
14 same manner and to the same extent as a standard
15 promulgated under section 6(b) of the Occupational
16 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

17 (c) REQUIREMENTS.—Each standard promulgated
18 under this section shall include—

19 (1) a requirement that the employers of the em-
20 ployees in the occupations and sectors described in
21 subparagraphs (A) through (C) of subsection
22 (a)(1)—

23 (A) develop and implement a comprehen-
24 sive infectious disease exposure control plan,
25 with the input and involvement of employees or,

1 where applicable, the representatives of employ-
2 ees, as appropriate, to address the risk of occu-
3 pational exposure in such sectors and occupa-
4 tions; and

5 (B) record and report each work-related
6 COVID-19 infection and death, as set forth in
7 part 1904 of title 29, Code of Federal Regula-
8 tions (as in effect on the date of enactment of
9 this Act);

10 (2) no less protection for novel pathogens than
11 precautions mandated by standards adopted by a
12 State plan that has been approved by the Secretary
13 of Labor under section 18 of the Occupational Safe-
14 ty and Health Act of 1970 (29 U.S.C. 667); and

15 (3) the incorporation, as appropriate, of—

16 (A) guidelines issued by the Centers for
17 Disease Control and Prevention, the National
18 Institute for Occupational Safety and Health,
19 and the Occupational Safety and Health Ad-
20 ministration which are designed to prevent the
21 transmission of infectious agents in health care
22 or other occupational settings; and

23 (B) relevant scientific research on novel
24 pathogens.

25 (d) ANTI-RETALIATION.—

1 (1) POLICY.—Each standard promulgated
2 under this section shall require employers to adopt
3 a policy prohibiting the discrimination and retalia-
4 tion described in paragraph (2) by any person (in-
5 cluding an agent of the employer).

6 (2) PROHIBITION.—No employer (including an
7 agent of the employer) shall discriminate or retaliate
8 against an employee for—

9 (A) reporting to the employer, to a local,
10 State, or Federal government agency, or to the
11 media or on a social media platform—

12 (i) a violation of a standard promul-
13 gated pursuant to this Act;

14 (ii) a violation of an infectious disease
15 exposure control plan described in sub-
16 section (c)(1); or

17 (iii) a good faith concern about a
18 workplace infectious disease hazard;

19 (B) seeking assistance or intervention from
20 the employer or a local, State, or Federal gov-
21 ernment agency with respect to such a report;

22 (C) voluntary use of personal protective
23 equipment with a higher level of protection than
24 is provided by the employer; or

1 (D) exercising any other right under the
2 Occupational Safety and Health Act of 1970
3 (29 U.S.C. 651 et seq.).

4 (3) ENFORCEMENT.—This subsection shall be
5 enforced in the same manner and to the same extent
6 as any standard promulgated under section 6(b) of
7 the Occupational Safety and Health Act of 1970 (29
8 U.S.C. 655(b)).

9 **SEC. 120303. SURVEILLANCE, TRACKING, AND INVESTIGA-**
10 **TION OF WORK-RELATED CASES OF COVID-19.**

11 The Director of the Centers for Disease Control and
12 Prevention, in conjunction with the Director of the Na-
13 tional Institute for Occupational Safety and Health,
14 shall—

15 (1) collect and analyze case reports, including
16 information on the work status, occupation, and in-
17 dustry classification of an individual, and other data
18 on COVID-19, to identify and evaluate the extent,
19 nature, and source of COVID-19 among employees
20 in the occupations and sectors described in subpara-
21 graphs (A) through (C) of section 120302(a)(1);

22 (2) investigate, as appropriate, individual cases
23 of COVID-19 among such employees to evaluate the
24 source of exposure and adequacy of infection and ex-
25 posure control programs and measures;

1 (3) provide regular periodic reports on COVID–
2 19 among such employees to the public; and

3 (4) based on such reports and investigations,
4 make recommendations on needed actions or guid-
5 ance to protect such employees.

6 **TITLE IV—COMMUNITY AND** 7 **FAMILY SUPPORT**

8 **SEC. 120401. MATCHING FUNDS WAIVER FOR FORMULA** 9 **GRANTS AND SUBGRANTS UNDER THE FAM-** 10 **ILY VIOLENCE PREVENTION AND SERVICES** 11 **ACT.**

12 (a) WAIVER OF MATCHING FUNDS FOR AWARDED
13 GRANTS AND SUBGRANTS.—The Secretary of Health and
14 Human Services shall waive—

15 (1) the non-Federal contributions requirement
16 under subsection (c)(4) of section 306 of the Family
17 Violence Prevention and Services Act (42 U.S.C.
18 10406) with respect to the grants and subgrants
19 awarded in fiscal years 2019 and 2020 to each State
20 (as defined in section 302 of such Act (42 U.S.C.
21 10402)) and the eligible entities within such State
22 under such section or section 308 of such Act (42
23 U.S.C. 10408); and

1 (2) the reporting requirements required under
2 such grants and subgrants that relate to such non-
3 Federal contributions requirement.

4 (b) WAIVER OF MATCHING FUNDS FOR GRANTS
5 AWARDED AFTER DATE OF ENACTMENT.—

6 (1) IN GENERAL.—Subsection (c)(4) of section
7 306 of the Family Violence Prevention and Services
8 Act (42 U.S.C. 10406) shall not apply to a qualified
9 grant during the period of a public health emergency
10 declared pursuant to section 319 of the Public
11 Health Service Act (42 U.S.C. 247d) resulting from
12 the COVID–19 pandemic.

13 (2) QUALIFIED GRANT DEFINED.—In this sub-
14 section, the term “qualified grant” means a grant or
15 subgrant awarded—

16 (A) after the date of the enactment of this
17 section; and

18 (B) under section 306, 308, or 309 of the
19 Family Violence Prevention and Services Act
20 (42 U.S.C. 10406; 10408; 10409).

21 **SEC. 120402. DISTRIBUTION OF CERTAIN FUNDS APPRO-**
22 **RIATED FOR THE COMMUNITY SERVICES**
23 **BLOCK GRANT ACT.**

24 (a) DISTRIBUTION OF CARES ACT FUNDS TO
25 STATES.—Section 675B(b)(3) of the Community Services

1 Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply
2 with respect to funds appropriated by the CARES Act
3 (Public Law 116–136) to carry out the Community Serv-
4 ices Block Grant Act (42 U.S.C.9901 et seq.).

5 (b) INCREASED POVERTY LINE.—For purposes of
6 carrying out the Community Services Block Grant Act (42
7 U.S.C. 9901 et seq.) with any funds appropriated for fis-
8 cal year 2020 for such Act, the term “poverty line” as
9 defined in section 673(2) of such Act (42 U.S.C. 9902(2))
10 means 200 percent of the poverty line otherwise applicable
11 under such section (excluding the last sentence of such
12 section) without regard to this subsection.

13 **SEC. 120403. USE OF LIHEAP SUPPLEMENTAL APPROPRIA-**
14 **TIONS.**

15 Notwithstanding the Low-Income Home Energy As-
16 sistance Act of 1981, with respect to amounts appro-
17 priated under title VI of division A of this Act to carry
18 out the Low-Income Home Energy Assistance Act of
19 1981, each State, the Commonwealth of Puerto Rico,
20 Guam, American Samoa, the Virgin Islands of the United
21 States, the Commonwealth of the Northern Mariana Is-
22 lands, and each Indian Tribe, as applicable, that receives
23 an allotment of funds from such amounts—

24 (1) shall, in using such funds, for purposes of
25 income eligibility, accept proof of job loss or severe

1 income loss dated after February 29, 2020, such as
2 a layoff or furlough notice or verification of applica-
3 tion for unemployment benefits, as sufficient to dem-
4 onstrate lack of income for an individual or house-
5 hold; and

6 (2) may use not more than 12.5 percent of such
7 funds for administrative costs.

8 **TITLE V—COVID-19 PROTEC-**
9 **TIONS UNDER LONGSHORE**
10 **AND HARBOR WORKERS’**
11 **COMPENSATION ACT**

12 **SEC. 120501. COMPENSATION PURSUANT TO THE**
13 **LONGSHORE AND HARBOR WORKERS’ COM-**
14 **PENSATION ACT.**

15 (a) ENTITLEMENT TO COMPENSATION.—

16 (1) IN GENERAL.—A covered employee who re-
17 ceives a diagnosis or is subject to an order described
18 in paragraph (2)(B) and who provides notice of or
19 files a claim relating to such diagnosis or order
20 under section 12 or 13 of the Longshore and Harbor
21 Workers’ Compensation Act (33 U.S.C. 912, 913),
22 respectively, shall—

23 (A) be deemed to have an injury arising
24 out of or in the course of employment for which
25 compensation is payable under the Longshore

1 and Harbor Workers' Compensation Act (33
2 U.S.C. 901 et seq.); and

3 (B) be paid the compensation to which the
4 employee is entitled under such Act (33 U.S.C.
5 901 et seq.).

6 (2) COVERED EMPLOYEE.—In this section, the
7 term “covered employee” means an employee who—

8 (A) at any time during the period begin-
9 ning on January 27, 2020, and ending on Jan-
10 uary 27, 2022, was engaged in maritime em-
11 ployment; and

12 (B) was—

13 (i) at any time during the period be-
14 ginning on January 27, 2020, and ending
15 on February 27, 2022, diagnosed with
16 COVID–19; or

17 (ii) at any time during the period de-
18 scribed in subparagraph (A), ordered not
19 to return to work by the employee's em-
20 ployer or by a local, State, or Federal
21 agency because of exposure, or the risk of
22 exposure, to 1 or more individuals diag-
23 nosed with COVID–19 in the workplace.

24 (b) REIMBURSEMENT.—

25 (1) IN GENERAL.—

1 (A) ENTITLEMENT.—Subject to subpara-
2 graph (B), an employer of a covered employee
3 or the employer’s carrier shall be entitled to re-
4 imbursement for any compensation paid with
5 respect to a notice or claim described in sub-
6 section (a), including disability benefits, funeral
7 and burial expenses, medical or other related
8 costs for treatment and care, and reasonable
9 and necessary allocated claims expenses.

10 (B) SAFETY AND HEALTH REQUIRE-
11 MENTS.—To be entitled to reimbursement
12 under subparagraph (A)—

13 (i) an employer shall be in compliance
14 with all applicable safety and health guide-
15 lines and standards that are related to the
16 prevention of occupational exposure to
17 COVID–19, including such guidelines and
18 standards issued by the Occupational Safe-
19 ty and Health Administration, State plans
20 approved under section 18 of the Occupa-
21 tional Safety and Health Act of 1970 (29
22 U.S.C. 667), the Coast Guard, and Fed-
23 eral, State or local public health authori-
24 ties; and

25 (ii) a carrier—

1 (I) shall be a carrier for an em-
2 ployer that is in compliance with
3 clause (i); and

4 (II) shall not adjust the experi-
5 ence rating or the annual premium of
6 the employer based upon the com-
7 pensation paid by the carrier with re-
8 spect to a notice or claim described in
9 subparagraph (A).

10 (2) REIMBURSEMENT PROCEDURES.—To re-
11 ceive reimbursement under paragraph (1)—

12 (A) a claim for such reimbursement shall
13 be submitted to the Secretary of Labor—

14 (i) not later than one year after the
15 final payment of compensation to a covered
16 employee pursuant to this section; and

17 (ii) in the same manner as a claim for
18 reimbursement is submitted in accordance
19 with part 61 of title 20, Code of Federal
20 Regulations (as in effect on the date of en-
21 actment of this Act); and

22 (B) an employer and the employer's carrier
23 shall make, keep, and preserve such records,
24 make such reports, and provide such informa-

1 tion, as the Secretary of Labor determines nec-
2 essary or appropriate to carry out this section.

3 (c) SPECIAL FUND.—

4 (1) IN GENERAL.—A reimbursement under
5 paragraph (1) shall be paid out of the special fund
6 established in section 44 of Longshore and Harbor
7 Workers' Compensation Act (33 U.S.C. 944).

8 (2) FUNDING.—There are authorized to be ap-
9 propriated, and there are appropriated, such funds
10 as may be necessary to reimburse the special fund
11 described in paragraph (1) for each reimbursement
12 paid out of such fund under paragraph (1).

13 (d) REPORT.—Not later than 60 days after the end
14 of fiscal year 2020, 2021, and 2022, the Secretary of
15 Labor shall submit to the Committee on Education and
16 Labor of the House of Representatives and the Committee
17 on Health, Education, Labor and Pensions of the Senate,
18 an annual report enumerating—

19 (1) the number of claims filed pursuant to sec-
20 tion (a)(1);

21 (2) of such filed claims—

22 (A) the number and types of claims ap-
23 proved under section 13 of the Longshore and
24 Harbor Workers' Compensation Act (33 U.S.C.
25 913);

1 (B) the number and types of claims denied
2 under such section;

3 (C) the number and types of claims pend-
4 ing under such section; and

5 (3) the amounts and the number of claims for
6 reimbursement paid out of the special fund under
7 subsection (c)(1) for the fiscal year for which the re-
8 port is being submitted.

9 (e) REGULATIONS.—The Secretary of Labor may
10 promulgate such regulations as may be necessary to carry
11 out this section.

12 (f) LHWCA TERMS.—In this section, the terms “car-
13 rier”, “compensation”, “employee”, and “employer” have
14 the meanings given the terms in section 2 of the
15 Longshore and Harbor Workers’ Compensation Act (33
16 U.S.C. 902).

1 **DIVISION M—CONSUMER PRO-**
2 **TECTION AND TELE-**
3 **COMMUNICATIONS PROVI-**
4 **SIONS**

5 **TITLE I—COVID-19 PRICE**
6 **GOUGING PREVENTION**

7 **SEC. 130101. SHORT TITLE.**

8 This title may be cited as the “COVID-19 Price
9 Gouging Prevention Act”.

10 **SEC. 130102. PREVENTION OF PRICE GOUGING.**

11 (a) IN GENERAL.—For the duration of a public
12 health emergency declared pursuant to section 319 of the
13 Public Health Service Act (42 U.S.C. 247d) as a result
14 of confirmed cases of 2019 novel coronavirus (COVID-
15 19), including any renewal thereof, it shall be unlawful
16 for any person to sell or offer for sale a good or service
17 at a price that—

18 (1) is unconscionably excessive; and

19 (2) indicates the seller is using the cir-
20 cumstances related to such public health emergency
21 to increase prices unreasonably.

22 (b) FACTORS FOR CONSIDERATION.—In determining
23 whether a person has violated subsection (a), there shall
24 be taken into account, with respect to the price at which

1 such person sold or offered for sale the good or service,
2 factors that include the following:

3 (1) Whether such price grossly exceeds the av-
4 erage price at which the same or a similar good or
5 service was sold or offered for sale by such person—

6 (A) during the 90-day period immediately
7 preceding January 31, 2020; or

8 (B) during the period that is 45 days be-
9 fore or after the date that is one year before
10 the date such good or service is sold or offered
11 for sale under subsection (a).

12 (2) Whether such price grossly exceeds the av-
13 erage price at which the same or a similar good or
14 service was readily obtainable from other similarly
15 situated competing sellers before January 31, 2020.

16 (3) Whether such price reasonably reflects addi-
17 tional costs, not within the control of such person,
18 that were paid, incurred, or reasonably anticipated
19 by such person, or reasonably reflects the profit-
20 ability of forgone sales or additional risks taken by
21 such person, to produce, distribute, obtain, or sell
22 such good or service under the circumstances.

23 (c) ENFORCEMENT.—

24 (1) ENFORCEMENT BY FEDERAL TRADE COM-
25 MISSION.—

1 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
2 TICES.—A violation of subsection (a) shall be
3 treated as a violation of a regulation under sec-
4 tion 18(a)(1)(B) of the Federal Trade Commis-
5 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
6 unfair or deceptive acts or practices.

7 (B) POWERS OF COMMISSION.—The Com-
8 mission shall enforce subsection (a) in the same
9 manner, by the same means, and with the same
10 jurisdiction, powers, and duties as though all
11 applicable terms and provisions of the Federal
12 Trade Commission Act (15 U.S.C. 41 et seq.)
13 were incorporated into and made a part of this
14 section. Any person who violates such sub-
15 section shall be subject to the penalties and en-
16 titled to the privileges and immunities provided
17 in the Federal Trade Commission Act.

18 (2) EFFECT ON OTHER LAWS.—Nothing in this
19 section shall be construed in any way to limit the
20 authority of the Commission under any other provi-
21 sion of law.

22 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
23 ERAL.—

24 (A) IN GENERAL.—If the chief law en-
25 forcement officer of a State, or an official or

1 agency designated by a State, has reason to be-
2 lieve that any person has violated or is violating
3 subsection (a), the attorney general, official, or
4 agency of the State, in addition to any author-
5 ity it may have to bring an action in State
6 court under its consumer protection law, may
7 bring a civil action in any appropriate United
8 States district court or in any other court of
9 competent jurisdiction, including a State court,
10 to—

11 (i) enjoin further such violation by
12 such person;

13 (ii) enforce compliance with such sub-
14 section;

15 (iii) obtain civil penalties; and

16 (iv) obtain damages, restitution, or
17 other compensation on behalf of residents
18 of the State.

19 (B) NOTICE AND INTERVENTION BY THE
20 FTC.—The attorney general of a State shall
21 provide prior written notice of any action under
22 subparagraph (A) to the Commission and pro-
23 vide the Commission with a copy of the com-
24 plaint in the action, except in any case in which
25 such prior notice is not feasible, in which case

1 the attorney general shall serve such notice im-
2 mediately upon instituting such action. The
3 Commission shall have the right—

4 (i) to intervene in the action;

5 (ii) upon so intervening, to be heard
6 on all matters arising therein; and

7 (iii) to file petitions for appeal.

8 (C) LIMITATION ON STATE ACTION WHILE
9 FEDERAL ACTION IS PENDING.—If the Commis-
10 sion has instituted a civil action for violation of
11 this section, no State attorney general, or offi-
12 cial or agency of a State, may bring an action
13 under this paragraph during the pendency of
14 that action against any defendant named in the
15 complaint of the Commission for any violation
16 of this section alleged in the complaint.

17 (D) RELATIONSHIP WITH STATE-LAW
18 CLAIMS.—If the attorney general of a State has
19 authority to bring an action under State law di-
20 rected at acts or practices that also violate this
21 section, the attorney general may assert the
22 State-law claim and a claim under this section
23 in the same civil action.

1 (4) SAVINGS CLAUSE.—Nothing in this section
2 shall preempt or otherwise affect any State or local
3 law.

4 (d) DEFINITIONS.—In this section:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (2) GOOD OR SERVICE.—The term “good or
8 service” means a good or service offered in com-
9 merce, including—

10 (A) food, beverages, water, ice, a chemical,
11 or a personal hygiene product;

12 (B) any personal protective equipment for
13 protection from or prevention of contagious dis-
14 eases, filtering facepiece respirators, medical
15 equipment and supplies (including medical test-
16 ing supplies), a drug as defined in section
17 201(g)(1) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 321(g)(1)), cleaning sup-
19 plies, disinfectants, sanitizers; or

20 (C) any healthcare service, cleaning serv-
21 ice, or delivery service.

22 (3) STATE.—The term “State” means each of
23 the several States, the District of Columbia, each
24 commonwealth, territory, or possession of the United
25 States, and each federally recognized Indian Tribe.

1 **TITLE II—E-RATE SUPPORT FOR**
2 **WI-FI HOTSPOTS, OTHER**
3 **EQUIPMENT, AND CON-**
4 **NECTED DEVICES**

5 **SEC. 130201. E-RATE SUPPORT FOR WI-FI HOTSPOTS,**
6 **OTHER EQUIPMENT, AND CONNECTED DE-**
7 **VICES DURING EMERGENCY PERIODS RELAT-**
8 **ING TO COVID-19.**

9 (a) REGULATIONS REQUIRED.—Not later than 7
10 days after the date of the enactment of this Act, the Com-
11 mission shall promulgate regulations providing for the
12 provision, from amounts made available from the Emer-
13 gency Connectivity Fund established under subsection
14 (i)(1), of support under section 254(h)(1)(B) of the Com-
15 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an
16 elementary school, secondary school, or library (including
17 a Tribal elementary school, Tribal secondary school, or
18 Tribal library) eligible for support under such section, for
19 the purchase during an emergency period described in sub-
20 section (e) (including any portion of such a period occur-
21 ring before the date of the enactment of this Act) of equip-
22 ment described in subsection (c), advanced telecommuni-
23 cations and information services, or equipment described
24 in such subsection and advanced telecommunications and
25 information services, for use by—

1 (1) in the case of a school, students and staff
2 of such school at locations that include locations
3 other than such school; and

4 (2) in the case of a library, patrons of such li-
5 brary at locations that include locations other than
6 such library.

7 (b) TRIBAL ISSUES.—

8 (1) RESERVATION FOR TRIBAL LANDS.—The
9 Commission shall reserve not less than 5 percent of
10 the amounts available to the Commission under sub-
11 section (i)(3) to provide support under the regula-
12 tions required by subsection (a) to schools and li-
13 braries that serve persons who are located on Tribal
14 lands.

15 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For
16 purposes of determining the eligibility of a Tribal li-
17 brary for support under the regulations required by
18 subsection (a), the portion of paragraph (4) of sec-
19 tion 254(h) of the Communications Act of 1934 (47
20 U.S.C. 254(h)) relating to eligibility for assistance
21 from a State library administrative agency under the
22 Library Services and Technology Act shall not apply.

23 (c) EQUIPMENT DESCRIBED.—The equipment de-
24 scribed in this subsection is the following:

25 (1) Wi-Fi hotspots.

1 (2) Modems.

2 (3) Routers.

3 (4) Devices that combine a modem and router.

4 (5) Connected devices.

5 (d) PRIORITIZATION OF SUPPORT.—The Commission
6 shall provide in the regulations required by subsection (a)
7 for a mechanism to require a school or library to prioritize
8 the provision of equipment described in subsection (c), ad-
9 vanced telecommunications and information services, or
10 equipment described in such subsection and advanced tele-
11 communications and information services, for which sup-
12 port is received under such regulations, to students and
13 staff or patrons (as the case may be) that the school or
14 library believes do not have access to equipment described
15 in subsection (c), do not have access to advanced tele-
16 communications and information services, or have access
17 to neither equipment described in subsection (c) nor ad-
18 vanced telecommunications and information services, at
19 the residences of such students and staff or patrons.

20 (e) EMERGENCY PERIODS DESCRIBED.—An emer-
21 gency period described in this subsection is a period
22 that—

23 (1) begins on the date of a determination by the
24 Secretary of Health and Human Services pursuant
25 to section 319 of the Public Health Service Act (42

1 U.S.C. 247d) that a public health emergency exists
2 as a result of COVID–19; and

3 (2) ends on the June 30 that first occurs after
4 the date on which such determination (including any
5 renewal thereof) terminates.

6 (f) TREATMENT OF EQUIPMENT AFTER EMERGENCY
7 PERIOD.—The Commission shall provide in the regula-
8 tions required by subsection (a) that, in the case of a
9 school or library that purchases equipment described in
10 subsection (c) using support received under such regula-
11 tions, such school or library—

12 (1) may, after the emergency period with re-
13 spect to which such support is received, use such
14 equipment for such purposes as such school or li-
15 brary considers appropriate, subject to any restric-
16 tions provided in such regulations (or any successor
17 regulation); and

18 (2) may not sell or otherwise transfer such
19 equipment in exchange for any thing (including a
20 service) of value, except that such school or library
21 may exchange such equipment for upgraded equip-
22 ment of the same type.

23 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to affect any authority the Com-
25 mission may have under section 254(h)(1)(B) of the Com-

1 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
2 allow support under such section to be used for the pur-
3 poses described in subsection (a) other than as required
4 by such subsection.

5 (h) PROCEDURAL MATTERS.—

6 (1) PART 54 REGULATIONS.—Nothing in this
7 section shall be construed to prevent the Commission
8 from providing that the regulations in part 54 of
9 title 47, Code of Federal Regulations (or any suc-
10 cessor regulation), shall apply in whole or in part to
11 support provided under the regulations required by
12 subsection (a), shall not apply in whole or in part to
13 such support, or shall be modified in whole or in
14 part for purposes of application to such support.

15 (2) EXEMPTION FROM CERTAIN RULEMAKING
16 REQUIREMENTS.—Subsections (b), (c), and (d) of
17 section 553 of title 5, United States Code, shall not
18 apply to a regulation promulgated under subsection
19 (a) of this section or a rulemaking to promulgate
20 such a regulation.

21 (3) PAPERWORK REDUCTION ACT EXEMP-
22 TION.—A collection of information conducted or
23 sponsored under the regulations required by sub-
24 section (a), or under section 254 of the Communica-
25 tions Act of 1934 (47 U.S.C. 254) in connection

1 with support provided under such regulations, shall
2 not constitute a collection of information for the
3 purposes of subchapter I of chapter 35 of title 44,
4 United States Code (commonly referred to as the
5 Paperwork Reduction Act).

6 (i) EMERGENCY CONNECTIVITY FUND.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund to be
9 known as the Emergency Connectivity Fund.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to the Emer-
12 gency Connectivity Fund \$5,000,000,000 for fiscal
13 year 2020, to remain available through fiscal year
14 2021.

15 (3) USE OF FUNDS.—Amounts in the Emer-
16 gency Connectivity Fund shall be available to the
17 Commission to provide support under the regula-
18 tions required by subsection (a).

19 (4) RELATIONSHIP TO UNIVERSAL SERVICE
20 CONTRIBUTIONS.—Support provided under the regu-
21 lations required by subsection (a) shall be provided
22 from amounts made available under paragraph (3)
23 and not from contributions under section 254(d) of
24 the Communications Act of 1934 (47 U.S.C.
25 254(d)).

1 (j) DEFINITIONS.—In this section:

2 (1) ADVANCED TELECOMMUNICATIONS AND IN-
3 FORMATION SERVICES.—The term “advanced tele-
4 communications and information services” means
5 advanced telecommunications and information serv-
6 ices, as such term is used in section 254(h) of the
7 Communications Act of 1934 (47 U.S.C. 254(h)).

8 (2) COMMISSION.—The term “Commission”
9 means the Federal Communications Commission.

10 (3) CONNECTED DEVICE.—The term “con-
11 nected device” means a laptop computer, tablet com-
12 puter, or similar device that is capable of connecting
13 to advanced telecommunications and information
14 services.

15 (4) LIBRARY.—The term “library” includes a
16 library consortium.

17 (5) TRIBAL LAND.—The term “Tribal land”
18 means—

19 (A) any land located within the boundaries
20 of—

21 (i) an Indian reservation, pueblo, or
22 rancheria; or

23 (ii) a former reservation within Okla-
24 homa;

1 (B) any land not located within the bound-
2 aries of an Indian reservation, pueblo, or
3 rancheria, the title to which is held—

4 (i) in trust by the United States for
5 the benefit of an Indian Tribe or an indi-
6 vidual Indian;

7 (ii) by an Indian Tribe or an indi-
8 vidual Indian, subject to restriction against
9 alienation under laws of the United States;
10 or

11 (iii) by a dependent Indian commu-
12 nity;

13 (C) any land located within a region estab-
14 lished pursuant to section 7(a) of the Alaska
15 Native Claims Settlement Act (43 U.S.C.
16 1606(a));

17 (D) Hawaiian Home Lands, as defined in
18 section 801 of the Native American Housing
19 Assistance and Self-Determination Act of 1996
20 (25 U.S.C. 4221); or

21 (E) those areas or communities designated
22 by the Assistant Secretary of Indian Affairs of
23 the Department of the Interior that are near,
24 adjacent, or contiguous to reservations where fi-
25 nancial assistance and social service programs

1 are provided to Indians because of their status
2 as Indians.

3 (6) TRIBAL LIBRARY.—The term “Tribal li-
4 brary” means, only during an emergency period de-
5 scribed under subsection (e), a facility owned by an
6 Indian Tribe, serving Indian Tribes, or serving
7 American Indians, Alaskan Natives, or Native Ha-
8 waiian communities, including—

9 (A) a Tribal library or Tribal library con-
10 sortium; or

11 (B) a Tribal government building, chapter
12 house, longhouse, community center, or other
13 similar public building.

14 (7) WI-FI.—The term “Wi-Fi” means a wire-
15 less networking protocol based on Institute of Elec-
16 trical and Electronics Engineers standard 802.11
17 (or any successor standard).

18 (8) WI-FI HOTSPOT.—The term “Wi-Fi
19 hotspot” means a device that is capable of—

20 (A) receiving mobile advanced tele-
21 communications and information services; and

22 (B) sharing such services with another de-
23 vice through the use of Wi-Fi.

1 **TITLE III—EMERGENCY BENEFIT**
2 **FOR BROADBAND SERVICE**

3 **SEC. 130301. BENEFIT FOR BROADBAND SERVICE DURING**
4 **EMERGENCY PERIODS RELATING TO COVID-**
5 **19.**

6 (a) **PROMULGATION OF REGULATIONS REQUIRED.**—
7 Not later than 7 days after the date of the enactment of
8 this Act, the Commission shall promulgate regulations im-
9 plementing this section.

10 (b) **REQUIREMENTS.**—The regulations promulgated
11 pursuant to subsection (a) shall establish the following:

12 (1) **EMERGENCY BROADBAND BENEFIT.**—Dur-
13 ing an emergency period, a provider shall provide an
14 eligible household with an internet service offering,
15 upon request by a member of such household. Such
16 provider shall discount the price charged to such
17 household for such internet service offering in an
18 amount equal to the emergency broadband benefit
19 for such household.

20 (2) **VERIFICATION OF ELIGIBILITY.**—To verify
21 whether a household is an eligible household, a pro-
22 vider shall either—

23 (A) use the National Lifeline Eligibility
24 Verifier; or

1 (B) rely upon an alternative verification
2 process of the provider, if the Commission finds
3 such process to be sufficient to avoid waste,
4 fraud, and abuse.

5 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
6 VERIFIER.—The Commission shall—

7 (A) expedite the ability of all providers to
8 access the National Lifeline Eligibility Verifier
9 for purposes of determining whether a house-
10 hold is an eligible household; and

11 (B) ensure that the National Lifeline Eligi-
12 bility Verifier approves an eligible household to
13 receive the emergency broadband benefit not
14 later than two days after the date of the sub-
15 mission of information necessary to determine if
16 such household is an eligible household.

17 (4) EXTENSION OF EMERGENCY PERIOD.—An
18 emergency period may be extended within a State or
19 any portion thereof if the State, or in the case of
20 Tribal land, a Tribal government, provides written,
21 public notice to the Commission stipulating that an
22 extension is necessary in furtherance of the recovery
23 related to COVID–19. The Commission shall, within
24 48 hours after receiving such notice, post the notice
25 on the public website of the Commission.

1 (5) REIMBURSEMENT.—From the Emergency
2 Broadband Connectivity Fund established in sub-
3 section (h), the Commission shall reimburse a pro-
4 vider in an amount equal to the emergency
5 broadband benefit with respect to an eligible house-
6 hold that receives such benefit from such provider.

7 (6) REIMBURSEMENT FOR CONNECTED DE-
8 VICE.—A provider that, in addition to providing the
9 emergency broadband benefit to an eligible house-
10 hold, supplies such household with a connected de-
11 vice may be reimbursed up to \$100 from the Emer-
12 gency Broadband Connectivity Fund established in
13 subsection (h) for such connected device, if the
14 charge to such eligible household is more than \$10
15 but less than \$50 for such connected device, except
16 that a provider may receive reimbursement for no
17 more than one connected device per eligible house-
18 hold.

19 (7) NO RETROACTIVE REIMBURSEMENT.—A
20 provider may not receive a reimbursement from the
21 Emergency Broadband Connectivity Fund for pro-
22 viding an internet service offering discounted by the
23 emergency broadband benefit, or for supplying a
24 connected device, that was provided or supplied (as

1 the case may be) before the date of the enactment
2 of this Act.

3 (8) CERTIFICATION REQUIRED.—To receive a
4 reimbursement under paragraph (5) or (6), a pro-
5 vider shall certify to the Commission the following:

6 (A) That the amount for which the pro-
7 vider is seeking reimbursement from the Emer-
8 gency Broadband Connectivity Fund for an
9 internet service offering to an eligible household
10 is not more than the normal rate.

11 (B) That each eligible household for which
12 a provider is seeking reimbursement for pro-
13 viding an internet service offering discounted by
14 the emergency broadband benefit—

15 (i) has not been and will not be
16 charged—

17 (I) for such offering, if the nor-
18 mal rate for such offering is less than
19 or equal to the amount of the emer-
20 gency broadband benefit for such
21 household; or

22 (II) more for such offering than
23 the difference between the normal rate
24 for such offering and the amount of

1 the emergency broadband benefit for
2 such household;

3 (ii) will not be required to pay an
4 early termination fee if such eligible house-
5 hold elects to enter into a contract to re-
6 ceive such internet service offering if such
7 household later terminates such contract;
8 and

9 (iii) was not subject to a mandatory
10 waiting period for such internet service of-
11 fering based on having previously received
12 broadband internet access service from
13 such provider.

14 (C) A description of the process used by
15 the provider to verify that a household is an eli-
16 gible household, if the provider elects an alter-
17 native verification process under paragraph
18 (2)(B), and that such verification process was
19 designed to avoid waste, fraud, and abuse.

20 (9) AUDIT REQUIREMENTS.—The Commission
21 shall adopt audit requirements to ensure that pro-
22 viders are in compliance with the requirements of
23 this section and to prevent waste, fraud, and abuse
24 in the emergency broadband benefit program estab-
25 lished under this section.

1 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
2 section (e) of this section, the Commission shall provide
3 a reimbursement to a provider under this section without
4 requiring such provider to be designated as an eligible tele-
5 communications carrier under section 214(e) of the Com-
6 munications Act of 1934 (47 U.S.C. 214(e)).

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall affect the collection, distribution, or administra-
9 tion of the Lifeline Assistance Program governed by the
10 rules set forth in subpart E of part 54 of title 47, Code
11 of Federal Regulations (or any successor regulation).

12 (e) PART 54 REGULATIONS.—Nothing in this section
13 shall be construed to prevent the Commission from pro-
14 viding that the regulations in part 54 of title 47, Code
15 of Federal Regulations (or any successor regulation), shall
16 apply in whole or in part to support provided under the
17 regulations required by subsection (a), shall not apply in
18 whole or in part to such support, or shall be modified in
19 whole or in part for purposes of application to such sup-
20 port.

21 (f) ENFORCEMENT.—A violation of this section or a
22 regulation promulgated under this section, including the
23 knowing or reckless denial of an internet service offering
24 discounted by the emergency broadband benefit to an eligi-
25 ble household that requests such an offering, shall be

1 treated as a violation of the Communications Act of 1934
2 (47 U.S.C. 151 et seq.) or a regulation promulgated under
3 such Act. The Commission shall enforce this section and
4 the regulations promulgated under this section in the same
5 manner, by the same means, and with the same jurisdic-
6 tion, powers, and duties as though all applicable terms and
7 provisions of the Communications Act of 1934 were incor-
8 porated into and made a part of this section.

9 (g) EXEMPTIONS.—

10 (1) NOTICE AND COMMENT RULEMAKING RE-
11 QUIREMENTS.—Section 553 of title 5, United States
12 Code, shall not apply to a regulation promulgated
13 under subsection (a) or a rulemaking to promulgate
14 such a regulation.

15 (2) PAPERWORK REDUCTION ACT REQUIRE-
16 MENTS.—A collection of information conducted or
17 sponsored under the regulations required by sub-
18 section (a) shall not constitute a collection of infor-
19 mation for the purposes of subchapter I of chapter
20 35 of title 44, United States Code (commonly re-
21 ferred to as the Paperwork Reduction Act).

22 (h) EMERGENCY BROADBAND CONNECTIVITY
23 FUND.—

24 (1) ESTABLISHMENT.—There is established in
25 the Treasury of the United States a fund to be

1 known as the Emergency Broadband Connectivity
2 Fund.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Emer-
5 gency Broadband Connectivity Fund \$8,800,000,000
6 for fiscal year 2020, to remain available through fis-
7 cal year 2021.

8 (3) USE OF FUNDS.—Amounts in the Emer-
9 gency Broadband Connectivity Fund shall be avail-
10 able to the Commission for reimbursements to pro-
11 viders under the regulations required by subsection
12 (a).

13 (4) RELATIONSHIP TO UNIVERSAL SERVICE
14 CONTRIBUTIONS.—Reimbursements provided under
15 the regulations required by subsection (a) shall be
16 provided from amounts made available under this
17 subsection and not from contributions under section
18 254(d) of the Communications Act of 1934 (47
19 U.S.C. 254(d)), except the Commission may use
20 such contributions if needed to offset expenses asso-
21 ciated with the reliance on the National Lifeline Eli-
22 gibility Verifier to determine eligibility of households
23 to receive the emergency broadband benefit.

24 (i) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations (or any suc-
5 cessor regulation).

6 (2) CONNECTED DEVICE.—The term “con-
7 nected device” means a laptop or desktop computer
8 or a tablet.

9 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
10 household” means, regardless of whether the house-
11 hold or any member of the household receives sup-
12 port under subpart E of part 54 of title 47, Code
13 of Federal Regulations (or any successor regulation),
14 and regardless of whether any member of the house-
15 hold has any past or present arrearages with a pro-
16 vider, a household in which—

17 (A) at least one member of the household
18 meets the qualifications in subsection (a) or (b)
19 of section 54.409 of title 47, Code of Federal
20 Regulations (or any successor regulation);

21 (B) at least one member of the household
22 has applied for and been approved to receive
23 benefits under the free and reduced price lunch
24 program under the Richard B. Russell National
25 School Lunch Act (42 U.S.C. 1751 et seq.) or

1 the school breakfast program under section 4 of
2 the Child Nutrition Act of 1966 (42 U.S.C.
3 1773); or

4 (C) at least one member of the household
5 has experienced a substantial loss of income
6 since February 29, 2020, documented by layoff
7 or furlough notice, application for unemploy-
8 ment insurance benefits, or similar documenta-
9 tion.

10 (4) EMERGENCY BROADBAND BENEFIT.—The
11 term “emergency broadband benefit” means a
12 monthly discount for an eligible household applied to
13 the normal rate for an internet service offering, in
14 an amount equal to such rate, but not more than
15 \$50, or, if an internet service offering is provided to
16 an eligible household on Tribal land, not more than
17 \$75.

18 (5) EMERGENCY PERIOD.—The term “emer-
19 gency period” means a period that—

20 (A) begins on the date of a determination
21 by the Secretary of Health and Human Services
22 pursuant to section 319 of the Public Health
23 Service Act (42 U.S.C. 247d) that a public
24 health emergency exists as a result of COVID–
25 19; and

1 (B) ends on the date that is 6 months
2 after the date on which such determination (in-
3 cluding any renewal thereof) terminates, except
4 as such period may be extended under sub-
5 section (b)(4).

6 (6) INTERNET SERVICE OFFERING.—The term
7 “internet service offering” means, with respect to a
8 provider, broadband internet access service provided
9 by such provider to a household, offered in the same
10 manner, and on the same terms, as described in any
11 of such provider’s advertisements for broadband
12 internet access service to such household, as on May
13 1, 2020.

14 (7) NORMAL RATE.—The term “normal rate”
15 means, with respect to an internet service offering
16 by a provider, the advertised monthly retail rate, as
17 of May 1, 2020, including any applicable promotions
18 and excluding any taxes or other governmental fees.

19 (8) PROVIDER.—The term “provider” means a
20 provider of broadband internet access service.

21 **SEC. 130302. ENHANCED LIFELINE BENEFITS DURING**
22 **EMERGENCY PERIODS.**

23 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR
24 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—
25 During an emergency period—

1 (1) the minimum service standard for Lifeline
2 supported mobile voice service shall provide an un-
3 limited number of minutes per month;

4 (2) the minimum service standard for Lifeline
5 supported mobile data service shall provide an un-
6 limited data allowance each month and 4G speeds,
7 where available; and

8 (3) the Basic Support Amount and Tribal
9 Lands Support Amount, as described in section
10 54.403 of title 47, Code of Federal Regulations (or
11 any successor regulation), shall be increased by an
12 amount necessary, as determined by the Commis-
13 sion, to offset any incremental increase in cost asso-
14 ciated with the requirements in paragraphs (1) and
15 (2).

16 (b) **EXTENSION OF EMERGENCY PERIOD.**—An emer-
17 gency period may be extended within a State or any por-
18 tion thereof for a maximum of six months, if the State,
19 or in the case of Tribal land, a Tribal government, pro-
20 vides written, public notice to the Commission stipulating
21 that an extension is necessary in furtherance of the recov-
22 ery related to COVID–19. The Commission shall, within
23 48 hours after receiving such notice, post the notice on
24 the public website of the Commission.

1 (c) REGULATIONS.—The Commission shall adopt, on
2 an expedited basis, any regulations needed to carry out
3 this section.

4 (d) EMERGENCY PERIOD DEFINED.—In this section,
5 the term “emergency period” means a period that—

6 (1) begins on the date of a determination by the
7 Secretary of Health and Human Services pursuant
8 to section 319 of the Public Health Service Act (42
9 U.S.C. 247d) that a public health emergency exists
10 as a result of COVID–19; and

11 (2) ends on the date that is 6 months after the
12 date on which such determination (including any re-
13 newal thereof) terminates, except as such period
14 may be extended under subsection (b).

15 **SEC. 130303. GRANTS TO STATES TO STRENGTHEN NA-**
16 **TIONAL LIFELINE ELIGIBILITY VERIFIER.**

17 (a) IN GENERAL.—From amounts appropriated
18 under subsection (d), the Commission shall, not later than
19 7 days after the date of the enactment of this Act, make
20 a grant to each State, in an amount in proportion to the
21 population of such State, for the purpose of connecting
22 the database used by such State for purposes of the sup-
23 plemental nutrition assistance program under the Food
24 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
25 National Lifeline Eligibility Verifier, so that the receipt

1 by a household of benefits under such program is reflected
2 in the National Lifeline Eligibility Verifier.

3 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
4 under each grant made under subsection (a) shall be dis-
5 bursed to the State receiving such grant not later than
6 7 days after the date of the enactment of this Act.

7 (c) CERTIFICATION TO CONGRESS.—Not later than
8 21 days after the date of the enactment of this Act, the
9 Commission shall certify to the Committee on Energy and
10 Commerce of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate that the grants required by subsection (a) have
13 been made and that funds have been disbursed as required
14 by subsection (b).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$200,000,000 to carry out
17 this section for fiscal year 2020, to remain available
18 through fiscal year 2021.

19 **SEC. 130304. DEFINITIONS.**

20 In this title:

21 (1) COMMISSION.—The term “Commission”
22 means the Federal Communications Commission.

23 (2) NATIONAL LIFELINE ELIGIBILITY
24 VERIFIER.—The term “National Lifeline Eligibility
25 Verifier” has the meaning given such term in section

1 54.400 of title 47, Code of Federal Regulations (or
2 any successor regulation).

3 (3) STATE.—The term “State” has the mean-
4 ing given such term in section 3 of the Communica-
5 tions Act of 1934 (47 U.S.C. 153).

6 **TITLE IV—CONTINUED**

7 **CONNECTIVITY**

8 **SEC. 130401. CONTINUED CONNECTIVITY DURING EMER-**
9 **GENCY PERIODS RELATING TO COVID-19.**

10 Title VII of the Communications Act of 1934 (47
11 U.S.C. 601 et seq.) is amended by adding at the end the
12 following:

13 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**
14 **GENCY PERIODS RELATING TO COVID-19.**

15 “(a) IN GENERAL.—During an emergency period de-
16 scribed in subsection (b), it shall be unlawful—

17 “(1) for a provider of advanced telecommuni-
18 cations service or voice service to—

19 “(A) terminate, reduce, or change such
20 service provided to any individual customer or
21 small business because of the inability of the in-
22 dividual customer or small business to pay for
23 such service if the individual customer or small
24 business certifies to such provider that such in-
25 ability to pay is a result of disruptions caused

1 by the public health emergency to which such
2 emergency period relates; or

3 “(B) impose late fees on any individual
4 customer or small business because of the in-
5 ability of the individual customer or small busi-
6 ness to pay for such service if the individual
7 customer or small business certifies to such pro-
8 vider that such inability to pay is a result of
9 disruptions caused by the public health emer-
10 gency to which such emergency period relates;

11 “(2) for a provider of advanced telecommuni-
12 cations service to, during such emergency period—

13 “(A) employ a limit on the amount of data
14 allotted to an individual customer or small busi-
15 ness during such emergency period, except that
16 such provider may engage in reasonable net-
17 work management; or

18 “(B) charge an individual customer or
19 small business an additional fee for exceeding
20 the limit on the data allotted to an individual
21 customer or small business; or

22 “(3) for a provider of advanced telecommuni-
23 cations service that had functioning Wi-Fi hotspots
24 available to subscribers in public places on the day
25 before the beginning of such emergency period to

1 fail to make service provided by such Wi-Fi hotspots
2 available to the public at no cost during such emer-
3 gency period.

4 “(b) WAIVER.—Upon a petition by a provider ad-
5 vanced telecommunications service or voice service, the
6 provisions in subsection (a) may be suspended or waived
7 by the Commission at any time, in whole or in part, for
8 good cause shown.

9 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-
10 gency period described in this subsection is any portion
11 beginning on or after the date of the enactment of this
12 section of the duration of a public health emergency de-
13 clared pursuant to section 319 of the Public Health Serv-
14 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-
15 ing any renewal thereof.

16 “(d) DEFINITIONS.—In this section:

17 “(1) ADVANCED TELECOMMUNICATIONS SERV-
18 ICE.—The term ‘advanced telecommunications serv-
19 ice’ means a service that provides advanced tele-
20 communications capability (as defined in section 706
21 of the Telecommunications Act of 1996 (47 U.S.C.
22 1302)).

23 “(2) BROADBAND INTERNET ACCESS SERV-
24 ICE.—The term ‘broadband internet access service’
25 has the meaning given such term in section 8.1(b)

1 of title 47, Code of Federal Regulations (or any suc-
2 cessor regulation).

3 “(3) INDIVIDUAL CUSTOMER.—The term ‘indi-
4 vidual customer’ means an individual who contracts
5 with a mass-market retail provider of advanced tele-
6 communications service or voice service to provide
7 service to such individual.

8 “(4) REASONABLE NETWORK MANAGEMENT.—
9 The term ‘reasonable network management’—

10 “(A) means the use of a practice that—

11 “(i) has a primarily technical network
12 management justification; and

13 “(ii) is primarily used for and tailored
14 to achieving a legitimate network manage-
15 ment purpose, taking into account the par-
16 ticular network architecture and tech-
17 nology of the service; and

18 “(B) does not include other business prac-
19 tices.

20 “(5) SMALL BUSINESS.—The term ‘small busi-
21 ness’ has the meaning given such term under section
22 601(3) of title 5, United States Code.

23 “(6) VOICE SERVICE.—The term ‘voice service’
24 has the meaning given such term under section

1 227(e)(8) of the Communications Act of 1934 (47
2 U.S.C. 227(e)(8)).

3 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-
4 less networking protocol based on Institute of Elec-
5 trical and Electronics Engineers standard 802.11
6 (or any successor standard).

7 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi
8 hotspot’ means a device that is capable of—

9 “(A) receiving mobile broadband internet
10 access service; and

11 “(B) sharing such service with another de-
12 vice through the use of Wi-Fi.”.

13 **TITLE V—DON’T BREAK UP THE** 14 **T-BAND**

15 **SEC. 130501. REPEAL OF REQUIREMENT TO REALLOCATE** 16 **AND AUCTION T-BAND SPECTRUM.**

17 (a) REPEAL.—Section 6103 of the Middle Class Tax
18 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)
19 is repealed.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is amended by striking the
22 item relating to section 6103.

1 **TITLE VI—NATIONAL SUICIDE**
2 **HOTLINE DESIGNATION**

3 **SEC. 130601. FINDINGS.**

4 Congress finds the following:

5 (1) According to the American Foundation for
6 Suicide Prevention, on average, there are 129 sui-
7 cides per day in the United States.

8 (2) To prevent future suicides, it is critical to
9 transition the cumbersome, existing 10-digit Na-
10 tional Suicide Hotline to a universal, easy-to-remem-
11 ber, 3-digit phone number and connect people in cri-
12 sis with life-saving resources.

13 (3) It is essential that people in the United
14 States have access to a 3-digit national suicide hot-
15 line across all geographic locations.

16 (4) The designated suicide hotline number will
17 need to be both familiar and recognizable to all peo-
18 ple in the United States.

19 **SEC. 130602. UNIVERSAL TELEPHONE NUMBER FOR NA-**
20 **TIONAL SUICIDE PREVENTION AND MENTAL**
21 **HEALTH CRISIS HOTLINE SYSTEM.**

22 (a) IN GENERAL.—Section 251(e) of the Commu-
23 nications Act of 1934 (47 U.S.C. 251(e)) is amended by
24 adding at the end the following:

1 “(4) UNIVERSAL TELEPHONE NUMBER FOR NA-
2 TIONAL SUICIDE PREVENTION AND MENTAL HEALTH
3 CRISIS HOTLINE SYSTEM.—9–8–8 is designated as
4 the universal telephone number within the United
5 States for the purpose of the national suicide pre-
6 vention and mental health crisis hotline system oper-
7 ating through the National Suicide Prevention Life-
8 line maintained by the Assistant Secretary for Men-
9 tal Health and Substance Use under section 520E–
10 3 of the Public Health Service Act (42 U.S.C.
11 290bb–36c) and through the Veterans Crisis Line
12 maintained by the Secretary of Veterans Affairs
13 under section 1720F(h) of title 38, United States
14 Code.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect on the date that is 1 year
17 after the date of the enactment of this Act.

18 (c) REQUIRED REPORT.—Not later than 180 days
19 after the date of the enactment of this Act, the Assistant
20 Secretary for Mental Health and Substance Use and the
21 Secretary of Veterans Affairs shall jointly submit a report
22 that details the resources necessary to make the use of
23 9–8–8, as designated under paragraph (4) of section
24 251(e) of the Communications Act of 1934 (47 U.S.C.

1 251(e)), as added by subsection (a) of this section, oper-
2 ational and effective across the United States to—

3 (1) the Committee on Commerce, Science, and
4 Transportation of the Senate;

5 (2) the Committee on Appropriations of the
6 Senate;

7 (3) the Committee on Energy and Commerce of
8 the House of Representatives; and

9 (4) the Committee on Appropriations of the
10 House of Representatives.

11 **SEC. 130603. STATE AUTHORITY OVER FEES.**

12 (a) **AUTHORITY.**—

13 (1) **IN GENERAL.**—Nothing in this Act, any
14 amendment made by this Act, the Communications
15 Act of 1934 (47 U.S.C. 151 et seq.), or any Com-
16 mission regulation or order may prevent the imposi-
17 tion and collection of a fee or charge applicable to
18 a voice service specifically designated by a State, a
19 political subdivision of a State, an Indian Tribe, or
20 a village or regional corporation serving a region es-
21 tablished pursuant to the Alaska Native Claims Set-
22 tlement Act (43 U.S.C. 1601 et seq.) for the support
23 or implementation of 9–8–8 services, if the fee or
24 charge is held in a sequestered account to be obli-
25 gated or expended only in support of 9–8–8 services,

1 or enhancements of such services, as specified in the
2 provision of State or local law adopting the fee or
3 charge.

4 (2) USE OF 9–8–8 FEES.—A fee or charge col-
5 lected under this subsection shall only be imposed,
6 collected, and used to pay expenses that a State, a
7 political subdivision of a State, an Indian Tribe, or
8 a village or regional corporation serving a region es-
9 tablished pursuant to the Alaska Native Claims Set-
10 tlement Act (43 U.S.C. 1601 et seq.) is expected to
11 incur that are reasonably attributable to—

12 (A) ensuring the efficient and effective
13 routing of calls made to the 9–8–8 national sui-
14 cide prevention and mental health crisis hotline
15 to an appropriate crisis center; or

16 (B) the provision of acute mental health,
17 crisis outreach, and stabilization services di-
18 rectly responding to the 9–8–8 national suicide
19 prevention and mental health crisis hotline.

20 (b) FEE ACCOUNTABILITY REPORT.—To ensure effi-
21 ciency, transparency, and accountability in the collection
22 and expenditure of a fee or charge for the support or im-
23 plementation of 9–8–8 services, not later than 2 years
24 after the date of the enactment of this Act, and annually
25 thereafter, the Commission shall submit to the Commit-

1 tees on Commerce, Science, and Transportation and Ap-
2 propriations of the Senate and the Committees on Energy
3 and Commerce and Appropriations of the House of Rep-
4 resentatives a report that—

5 (1) details the status in each State, political
6 subdivision of a State, Indian Tribe, or village or re-
7 gional corporation serving a region established pur-
8 suant to the Alaska Native Claims Settlement Act
9 (43 U.S.C. 1601 et seq.) of the collection and dis-
10 tribution of such fees or charges, including a de-
11 tailed report about how those fees or charges are
12 being used to support 9–8–8 services; and

13 (2) includes findings on the amount of revenues
14 obligated or expended by each State, political sub-
15 division of a State, Indian Tribe, or village or re-
16 gional corporation serving a region established pur-
17 suant to the Alaska Native Claims Settlement Act
18 (43 U.S.C. 1601 et seq.) for any purpose other than
19 the purpose for which any such fees or charges are
20 specified.

21 (c) DEFINITIONS.—In this section:

22 (1) COMMISSION.—The term “Commission”
23 means the Federal Communications Commission.

24 (2) STATE.—The term “State” has the mean-
25 ing given that term in section 7 of the Wireless

1 Communications and Public Safety Act of 1999 (47
2 U.S.C. 615b).

3 (3) VOICE SERVICE.—The term “voice service”
4 has the meaning given that term in section
5 227(e)(8) of the Communications Act of 1934 (47
6 U.S.C. 227(e)(8)).

7 **SEC. 130604. LOCATION IDENTIFICATION REPORT.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Federal Commu-
10 nications Commission shall submit to the appropriate com-
11 mittees a report that examines the feasibility and cost of
12 including an automatic dispatchable location that would
13 be conveyed with a 9–8–8 call, regardless of the techno-
14 logical platform used and including with calls from multi-
15 line telephone systems (as defined in section 6502 of the
16 Middle Class Tax Relief and Job Creation Act of 2012
17 (47 U.S.C. 1471)).

18 (b) DEFINITIONS.—In this section:

19 (1) APPROPRIATE COMMITTEES.—The term
20 “appropriate committees” means the following:

21 (A) The Committee on Commerce, Science,
22 and Transportation of the Senate.

23 (B) The Committee on Health, Education,
24 Labor, and Pensions of the Senate.

1 (C) The Committee on Energy and Com-
2 merce of the House of Representatives.

3 (2) DISPATCHABLE LOCATION.—The term
4 “dispatchable location” means the street address of
5 the calling party and additional information such as
6 room number, floor number, or similar information
7 necessary to adequately identify the location of the
8 calling party.

9 **SEC. 130605. REPORT ON CERTAIN TRAINING PROGRAMS.**

10 (a) SENSE OF THE CONGRESS.—It is the sense of the
11 Congress that—

12 (1) youth who are lesbian, gay, bisexual,
13 transgender, or queer (referred to in this section as
14 “LGBTQ”) are more than 4 times more likely to
15 contemplate suicide than their peers;

16 (2) 1 in 5 LGBTQ youth and more than 1 in
17 3 transgender youth report attempting suicide this
18 past year; and

19 (3) the Substance Abuse and Mental Health
20 Services Administration must be equipped to provide
21 specialized resources to this at-risk community.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Assistant Secretary for
24 Mental Health and Substance Use shall submit to the
25 Committee on Commerce, Science, and Transportation of

1 the Senate, the Committee on Health, Education, Labor,
2 and Pensions of the Senate, and the Committee on Energy
3 and Commerce of the House of Representatives a report
4 that—

5 (1) details a strategy, to be developed in con-
6 sultation with 1 or more organizations with expertise
7 in suicide of LGBTQ youth as well as 1 or more or-
8 ganizations with expertise in suicide of other high
9 risk populations, for the Substance Abuse and Men-
10 tal Health Services Administration to offer, support,
11 or provide technical assistance to training programs
12 for National Suicide Prevention Lifeline counselors
13 to increase competency in serving LGBTQ youth
14 and other high risk populations; and

15 (2) includes recommendations regarding—

16 (A) the facilitation of access to services
17 that are provided to specially trained staff and
18 partner organizations for LGBTQ individuals
19 and other high risk populations; and

20 (B) a strategy for optimally implementing
21 an Integrated Voice Response, or other equally
22 effective mechanism, to allow National Suicide
23 Prevention Lifeline callers who are LGBTQ
24 youth or members of other high risk popu-
25 lations to access specialized services.

1 **TITLE VII—COVID-19 COMPAS-**
2 **SION AND MARTHA WRIGHT**
3 **PRISON PHONE JUSTICE**

4 **SEC. 130701. FINDINGS.**

5 Congress finds the following:

6 (1) Prison, jails, and other confinement facili-
7 ties in the United States have unique telecommuni-
8 cations needs due to safety and security concerns.

9 (2) Unjust and unreasonable charges for tele-
10 phone and advanced communications services in con-
11 finement facilities negatively impact the safety and
12 security of communities in the United States by
13 damaging relationships between incarcerated persons
14 and their support systems, thereby exacerbating re-
15 cidivism.

16 (3) The COVID-19 pandemic has greatly inten-
17 sified these concerns. Jails and prisons have become
18 epicenters for the spread of the virus, with incarcer-
19 ated persons concentrated in small, confined spaces
20 and often without access to adequate health care. At
21 Cook County jail alone, hundreds of incarcerated
22 persons and jail staff have tested positive for the
23 virus since its outbreak.

24 (4) To prevent the spread of the virus, many
25 jails and prisons across the country suspended pub-

1 lic visitation, leaving confinement facility commu-
2 nications services as the only way that incarcerated
3 persons can stay in touch with their families.

4 (5) All people in the United States, including
5 anyone who pays for confinement facility commu-
6 nications services, should have access to communica-
7 tions services at charges that are just and reason-
8 able.

9 (6) Unemployment has risen sharply as a result
10 of the COVID–19 pandemic, straining the incomes
11 of millions of Americans and making it even more
12 difficult for families of incarcerated persons to pay
13 the high costs of confinement facility communica-
14 tions services.

15 (7) Certain markets for confinement facility
16 communications services are distorted due to reverse
17 competition, in which the financial interests of the
18 entity making the buying decision (the confinement
19 facility) are aligned with the seller (the provider of
20 confinement facility communications services) and
21 not the consumer (the incarcerated person or a
22 member of his or her family). This reverse competi-
23 tion occurs because site commission payments to the
24 confinement facility from the provider of confine-
25 ment facility communications services are the chief

1 criterion many facilities use to select their provider
2 of confinement facility communications services.

3 (8) Charges for confinement facility commu-
4 nications services that have been shown to be unjust
5 and unreasonable are often a result of site commis-
6 sion payments that far exceed the costs incurred by
7 the confinement facility in accommodating these
8 services.

9 (9) Unjust and unreasonable charges have been
10 assessed for both audio and video services and for
11 both intrastate and interstate communications from
12 confinement facilities.

13 (10) Though Congress enacted emergency legis-
14 lation to allow free communications in Federal pris-
15 ons during the pandemic, it does not cover commu-
16 nications to or from anyone incarcerated in State
17 and local prisons or jails.

18 (11) Mrs. Martha Wright-Reed led a campaign
19 for just communications rates for incarcerated peo-
20 ple for over a decade.

21 (12) Mrs. Wright-Reed was the lead plaintiff in
22 Wright v. Corrections Corporation of America, CA
23 No. 00-293 (GK) (D.D.C. 2001).

1 (13) That case ultimately led to the Wright Pe-
2 tition at the Federal Communications Commission,
3 CC Docket No. 96–128 (November 3, 2003).

4 (14) As a grandmother, Mrs. Wright-Reed was
5 forced to choose between purchasing medication and
6 communicating with her incarcerated grandson.

7 (15) Mrs. Wright-Reed passed away on Janu-
8 ary 18, 2015, before fully realizing her dream of just
9 communications rates for all people.

10 **SEC. 130702. REQUIREMENTS FOR CONFINEMENT FACILITY**
11 **COMMUNICATIONS SERVICES, DURING THE**
12 **COVID-19 PANDEMIC AND OTHER TIMES.**

13 (a) IN GENERAL.—Section 276 of the Communica-
14 tions Act of 1934 (47 U.S.C. 276) is amended by adding
15 at the end the following:

16 “(e) ADDITIONAL REQUIREMENTS FOR CONFINEMENT FACILITY COMMUNICATIONS SERVICES.—

17 “(1) AUTHORITY.—

18 “(A) IN GENERAL.—All charges, practices,
19 classifications, and regulations for and in con-
20 nection with confinement facility communica-
21 tions services shall be just and reasonable, and
22 any such charge, practice, classification, or reg-
23 ulation that is unjust or unreasonable is de-
24 clared to be unlawful.
25

1 “(B) RULEMAKING REQUIRED.—Not later
2 than 18 months after the date of the enactment
3 of this subsection, the Commission shall issue
4 rules to adopt, for the provision of confinement
5 facility communications services, rates and an-
6 cillary service charges that are just and reason-
7 able, which shall be the maximum such rates
8 and charges that a provider of confinement fa-
9 cility communications services may charge for
10 such services. In determining rates and charges
11 that are just and reasonable, the Commission
12 shall adopt such rates and charges based on the
13 average industry costs of providing such serv-
14 ices using data collected from providers of con-
15 finement facility communications services.

16 “(C) BIENNIAL REVIEW.—Not less fre-
17 quently than every 2 years following the
18 issuance of rules under subparagraph (B), the
19 Commission shall—

20 “(i) determine whether the rates and
21 ancillary service charges authorized by the
22 rules issued under such subparagraph re-
23 main just and reasonable; and

24 “(ii) if the Commission determines
25 under clause (i) that any such rate or

1 charge does not remain just and reason-
2 able, revise such rules so that such rate or
3 charge is just and reasonable.

4 “(2) INTERIM RATE CAPS.—Until the Commis-
5 sion issues the rules required by paragraph (1)(B),
6 a provider of confinement facility communications
7 services may not charge a rate for any voice service
8 communication using confinement facility commu-
9 nications services that exceeds the following:

10 “(A) For debit calling or prepaid calling,
11 \$0.04 per minute.

12 “(B) For collect calling, \$0.05 per minute.

13 “(3) ASSESSMENT ON PER-MINUTE BASIS.—Ex-
14 cept as provided in paragraph (4), a provider of con-
15 finement facility communications services—

16 “(A) shall assess all charges for a commu-
17 nication using such services on a per-minute
18 basis for the actual duration of the communica-
19 tion, measured from communication acceptance
20 to termination, rounded up to the next full
21 minute, except in the case of charges for serv-
22 ices that the confinement facility offers free of
23 charge or for amounts below the amounts per-
24 mitted under this subsection; and

1 “(B) may not charge a per-communication
2 or per-connection charge for a communication
3 using such services.

4 “(4) ANCILLARY SERVICE CHARGES.—

5 “(A) GENERAL PROHIBITION.—A provider
6 of confinement facility communications services
7 may not charge an ancillary service charge
8 other than—

9 “(i) if the Commission has not yet
10 issued the rules required by paragraph
11 (1)(B), a charge listed in subparagraph
12 (B) of this paragraph; or

13 “(ii) a charge authorized by the rules
14 adopted by the Commission under para-
15 graph (1).

16 “(B) PERMITTED CHARGES AND RATES.—
17 If the Commission has not yet issued the rules
18 required by paragraph (1)(B), a provider of
19 confinement facility communications services
20 may not charge a rate for an ancillary service
21 charge in excess of the following:

22 “(i) In the case of an automated pay-
23 ment fee, 2.9 percent of the total charge
24 on which the fee is assessed.

1 “(ii) In the case of a fee for single-call
2 and related services, the exact transaction
3 fee charged by the third-party provider,
4 with no markup.

5 “(iii) In the case of a live agent fee,
6 \$5.95 per use.

7 “(iv) In the case of a paper bill or
8 statement fee, \$2 per use.

9 “(v) In the case of a third-party fi-
10 nancial transaction fee, the exact fee, with
11 no markup, charged by the third party for
12 the transaction.

13 “(5) PROHIBITION ON SITE COMMISSIONS.—A
14 provider of confinement facility communications
15 services may not assess a site commission.

16 “(6) RELATIONSHIP TO STATE LAW.—A State
17 or political subdivision of a State may not enforce
18 any law, rule, regulation, standard, or other provi-
19 sion having the force or effect of law relating to con-
20 finement facility communications services that allows
21 for higher rates or other charges to be assessed for
22 such services than is permitted under any Federal
23 law or regulation relating to confinement facility
24 communications services.

25 “(7) DEFINITIONS.—In this subsection:

1 “(A) ANCILLARY SERVICE CHARGE.—The
2 term ‘ancillary service charge’ means any
3 charge a consumer may be assessed for the set-
4 ting up or use of a confinement facility commu-
5 nications service that is not included in the per-
6 minute charges assessed for individual commu-
7 nications.

8 “(B) AUTOMATED PAYMENT FEE.—The
9 term ‘automated payment fee’ means a credit
10 card payment, debit card payment, or bill proc-
11 essing fee, including a fee for a payment made
12 by means of interactive voice response, the
13 internet, or a kiosk.

14 “(C) COLLECT CALLING.—The term ‘col-
15 lect calling’ means an arrangement whereby a
16 credit-qualified party agrees to pay for charges
17 associated with a communication made to such
18 party using confinement facility communica-
19 tions services and originating from within a
20 confinement facility.

21 “(D) CONFINEMENT FACILITY.—The term
22 ‘confinement facility’—

23 “(i) means a jail or a prison; and

24 “(ii) includes any juvenile, detention,
25 work release, or mental health facility that

1 is used primarily to hold individuals who
2 are—

3 “(I) awaiting adjudication of
4 criminal charges or an immigration
5 matter; or

6 “(II) serving a sentence for a
7 criminal conviction.

8 “(E) CONFINEMENT FACILITY COMMU-
9 NICATIONS SERVICE.—The term ‘confinement
10 facility communications service’ means a service
11 that allows incarcerated persons to make elec-
12 tronic communications (whether intrastate,
13 interstate, or international and whether made
14 using video, audio, or any other communicative
15 method, including advanced communications
16 services) to individuals outside the confinement
17 facility, or to individuals inside the confinement
18 facility, where the incarcerated person is being
19 held, regardless of the technology used to de-
20 liver the service.

21 “(F) CONSUMER.—The term ‘consumer’
22 means the party paying a provider of confine-
23 ment facility communications services.

24 “(G) DEBIT CALLING.—The term ‘debit
25 calling’ means a presubscription or comparable

1 service which allows an incarcerated person, or
2 someone acting on an incarcerated person's be-
3 half, to fund an account set up through a pro-
4 vider that can be used to pay for confinement
5 facility communications services originated by
6 the incarcerated person.

7 “(H) FEE FOR SINGLE-CALL AND RE-
8 LATED SERVICES.—The term ‘fee for single-call
9 and related services’ means a billing arrange-
10 ment whereby communications made by an in-
11 carcerated person using collect calling are billed
12 through a third party on a per-communication
13 basis, where the recipient does not have an ac-
14 count with the provider of confinement facility
15 communications services.

16 “(I) INCARCERATED PERSON.—The term
17 ‘incarcerated person’ means a person detained
18 at a confinement facility, regardless of the du-
19 ration of the detention.

20 “(J) JAIL.—The term ‘jail’—

21 “(i) means a facility of a law enforce-
22 ment agency of the Federal Government or
23 of a State or political subdivision of a
24 State that is used primarily to hold indi-
25 viduals who are—

1 “(I) awaiting adjudication of
2 criminal charges;

3 “(II) post-conviction and com-
4 mitted to confinement for sentences of
5 one year or less; or

6 “(III) post-conviction and await-
7 ing transfer to another facility; and

8 “(ii) includes—

9 “(I) city, county, or regional fa-
10 cilities that have contracted with a
11 private company to manage day-to-
12 day operations;

13 “(II) privately-owned and oper-
14 ated facilities primarily engaged in
15 housing city, county, or regional in-
16 carcerated persons; and

17 “(III) facilities used to detain in-
18 dividuals pursuant to a contract with
19 U.S. Immigration and Customs En-
20 forcement.

21 “(K) LIVE AGENT FEE.—The term ‘live
22 agent fee’ means a fee associated with the op-
23 tional use of a live operator to complete a con-
24 finement facility communications service trans-
25 action.

1 “(L) PAPER BILL OR STATEMENT FEE.—

2 The term ‘paper bill or statement fee’ means a
3 fee associated with providing a consumer an op-
4 tional paper billing statement.

5 “(M) PER-COMMUNICATION OR PER-CON-
6 NECTION CHARGE.—The term ‘per-communica-
7 tion or per-connection charge’ means a one-time
8 fee charged to a consumer at the initiation of
9 a communication.

10 “(N) PREPAID CALLING.—The term ‘pre-
11 paid calling’ means a calling arrangement that
12 allows a consumer to pay in advance for a spec-
13 ified amount of confinement facility commu-
14 nications services.

15 “(O) PRISON.—The term ‘prison’—

16 “(i) means a facility operated by a
17 State or Federal agency that is used pri-
18 marily to confine individuals convicted of
19 felonies and sentenced to terms in excess
20 of one year; and

21 “(ii) includes—

22 “(I) public and private facilities
23 that provide outsource housing to
24 State or Federal agencies such as

1 State Departments of Correction and
2 the Federal Bureau of Prisons; and

3 “(II) facilities that would other-
4 wise be jails but in which the majority
5 of incarcerated persons are post-con-
6 viction or are committed to confine-
7 ment for sentences of longer than one
8 year.

9 “(P) PROVIDER OF CONFINEMENT FACIL-
10 ITY COMMUNICATIONS SERVICES.—The term
11 ‘provider of confinement facility communica-
12 tions services’ means any communications serv-
13 ice provider that provides confinement facility
14 communications services, regardless of the tech-
15 nology used.

16 “(Q) SITE COMMISSION.—The term ‘site
17 commission’ means any monetary payment, in-
18 kind payment, gift, exchange of services or
19 goods, fee, technology allowance, or product
20 that a provider of confinement facility commu-
21 nications services or an affiliate of a provider of
22 confinement facility communications services
23 may pay, give, donate, or otherwise provide
24 to—

1 “(i) an entity that operates a confine-
2 ment facility;

3 “(ii) an entity with which the provider
4 of confinement facility communications
5 services enters into an agreement to pro-
6 vide confinement facility communications
7 services;

8 “(iii) a governmental agency that
9 oversees a confinement facility;

10 “(iv) the State or political subdivision
11 of a State where a confinement facility is
12 located; or

13 “(v) an agent or other representative
14 of an entity described in any of clauses (i)
15 through (iv).

16 “(R) THIRD-PARTY FINANCIAL TRANS-
17 ACTION FEE.—The term ‘third-party financial
18 transaction fee’ means the exact fee, with no
19 markup, that a provider of confinement facility
20 communications services is charged by a third
21 party to transfer money or process a financial
22 transaction to facilitate the ability of a con-
23 sumer to make an account payment via a third
24 party.

1 “(S) VOICE SERVICE.—The term ‘voice
2 service’—

3 “(i) means any service that is inter-
4 connected with the public switched tele-
5 phone network and that furnishes voice
6 communications to an end user using re-
7 sources from the North American Num-
8 bering Plan or any successor to the North
9 American Numbering Plan adopted by the
10 Commission under section 251(e)(1); and

11 “(ii) includes—

12 “(I) transmissions from a tele-
13 phone facsimile machine, computer, or
14 other device to a telephone facsimile
15 machine; and

16 “(II) without limitation, any
17 service that enables real-time, two-way
18 voice communications, including any
19 service that requires internet protocol-
20 compatible customer premises equip-
21 ment (commonly known as ‘CPE’)
22 and permits out-bound calling, wheth-
23 er or not the service is one-way or
24 two-way voice over internet protocol.”.

1 (b) CONFORMING AMENDMENT.—Section 276(d) of
2 the Communications Act of 1934 (47 U.S.C. 276(d)) is
3 amended by striking “inmate telephone service in correc-
4 tional institutions” and inserting “confinement facility
5 communications services (as defined in subsection
6 (e)(7))”.

7 (c) EXISTING CONTRACTS.—

8 (1) IN GENERAL.—In the case of a contract
9 that was entered into and under which a provider of
10 confinement facility communications services was
11 providing such services at a confinement facility on
12 or before the date of the enactment of this Act—

13 (A) paragraphs (1) through (5) of sub-
14 section (e) of section 276 of the Communica-
15 tions Act of 1934, as added by subsection (a)
16 of this section, shall apply to the provision of
17 confinement facility communications services by
18 such provider at such facility beginning on the
19 earlier of—

20 (i) the date that is 60 days after such
21 date of enactment; or

22 (ii) the date of the termination of the
23 contract; and

1 (B) the terms of such contract may not be
2 extended after such date of enactment, whether
3 by exercise of an option or otherwise.

4 (2) DEFINITIONS.—In this subsection, the
5 terms “confinement facility”, “confinement facility
6 communications service”, and “provider of confine-
7 ment facility communications services” have the
8 meanings given such terms in paragraph (7) of sub-
9 section (e) of section 276 of the Communications
10 Act of 1934, as added by subsection (a) of this sec-
11 tion.

12 **SEC. 130703. AUTHORITY.**

13 Section 2(b) of the Communications Act of 1934 (47
14 U.S.C. 152(b)) is amended by inserting “section 276,”
15 after “227, inclusive,”.

16 **TITLE VIII—HEALTHCARE**
17 **BROADBAND EXPANSION**
18 **DURING COVID-19**

19 **SEC. 130801. EXPANSION OF RURAL HEALTH CARE PRO-**
20 **GRAM OF FCC IN RESPONSE TO COVID-19.**

21 (a) PROMULGATION OF REGULATIONS REQUIRED.—
22 Not later than 7 days after the date of the enactment of
23 this Act, the Commission shall promulgate regulations
24 modifying the requirements in subpart G of part 54 of

1 title 47, Code of Federal Regulations, in the following
2 manner:

3 (1) A health care provider not located in a rural
4 area shall be treated as a rural health care provider
5 for the purposes of the Healthcare Connect Fund
6 Program.

7 (2) The discount rate for an eligible expense
8 through the Healthcare Connect Fund Program (as
9 described in section 54.611(a) of title 47, Code of
10 Federal Regulations, or any successor regulation)
11 shall be increased to 85 percent in funding years
12 2019, 2020, and 2021 for eligible equipment pur-
13 chased or eligible services rendered in such funding
14 years (including for eligible equipment, upfront pay-
15 ments, and multi-year commitments without limita-
16 tion).

17 (3) A temporary, mobile, or satellite health care
18 delivery site shall be treated as a health care pro-
19 vider or an eligible site of a health care provider for
20 purposes of determining eligibility for the Healthcare
21 Connect Fund Program or the Telecommunications
22 Program.

23 (4) The waiver of the application window speci-
24 fied in section 54.621(a) of title 47, Code of Federal

1 Regulations (or any successor regulation), for fund-
2 ing year 2019.

3 (5) The adoption and implementation of a roll-
4 ing application process to allow a health care pro-
5 vider to apply for funding.

6 (6) The following changes to certain bidding re-
7 quirements:

8 (A) A waiver of any requirement under
9 section 54.622 of title 47, Code of Federal Reg-
10 ulations (or any successor regulation), for a
11 health care provider upgrading an existing sup-
12 ported service at a particular location, effective
13 as of the date of declaration of the public health
14 emergency pursuant to section 319 of the Pub-
15 lic Health Service Act (42 U.S.C. 247d) as a
16 result of confirmed cases of COVID-19, if the
17 health care provider maintains the same eligible
18 service provider to provide the upgraded service
19 at such location.

20 (B) Reduction of the 28-day waiting period
21 described in section 54.622(g) of title 47, Code
22 of Federal Regulations (or any successor regu-
23 lation), to a 14-day waiting period.

1 (C) Modification of the requirements in
2 section 54.622 of title 47, Code of Federal Reg-
3 ulations (or any successor regulation), to—

4 (i) provide that bid evaluation criteria
5 may give additional consideration to the
6 speed with which an eligible service pro-
7 vider can initiate service; and

8 (ii) encourage applicants to consider
9 bids from different providers to provide
10 service to different locations of such appli-
11 cants, if considering bids in this manner
12 would expedite the overall timeline for ini-
13 tiating or expanding service to individual
14 locations.

15 (7) Issuance of a decision on each application
16 for funding not later than 60 days after the date on
17 which the application is filed.

18 (8) Release of funding not later than 30 days
19 after the date on which an invoice is submitted with
20 respect to an application that is approved, applicable
21 services have been provided, and required invoices
22 have been submitted as required under program
23 rules.

24 (b) ADDITIONAL CHANGES TO RURAL HEALTH CARE
25 PROGRAM.—

1 (1) RELEASE OF FUNDING FOR OUTSTANDING
2 FUNDING REQUESTS.—

3 (A) IN GENERAL.—The Commission shall
4 ensure the release of funding for all requests
5 (outstanding as of the date of the enactment of
6 this Act) under the Rural Health Care Program
7 not later than 60 days after the date of the en-
8 actment of this Act, except that for outstanding
9 funding requests that are subject to a review of
10 the applicable urban and rural rates, the Com-
11 mission shall ensure the release of interim fund-
12 ing not later than 60 days after the date of the
13 enactment of this Act, disbursed at 65 percent
14 of the funding request, subject to a true-up fol-
15 lowing the completion of such review.

16 (B) LIMITATION.—This paragraph shall
17 not apply to any party or successor-in-interest
18 to any party to which the Commission, during
19 the period beginning on the date that is 1 year
20 before the date of the enactment of this Act
21 and ending on January 31, 2020, has issued a
22 Letter of Inquiry, Notice of Apparent Liability,
23 or Forfeiture Order relating to the party's par-
24 ticipation in the Rural Health Care Program,

1 pursuant to section 503(b) of the Communica-
2 tions Act of 1934 (47 U.S.C. 503(b)).

3 (C) REQUIRED REPAYMENT.—In the case
4 of an eligible service provider that receives
5 funding through the Rural Health Care Pro-
6 gram pursuant to this paragraph to which such
7 provider is not entitled, the Commission shall
8 require such provider to repay such funds.

9 (2) DELAY OF IMPLEMENTATION SCHEDULE.—
10 The Commission shall—

11 (A) delay by one year the implementation
12 of sections 54.604 and 54.605 of title 47, Code
13 of Federal Regulations (or any successor regu-
14 lation), as adopted in the Report and Order in
15 the matter of Promoting Telehealth in Rural
16 America (FCC 19–78) that was adopted by the
17 Commission on August 1, 2019; and

18 (B) delay application of the new definition
19 of “similar services” as described in paragraphs
20 14 to 20 of such Report and Order until the
21 implementation of such sections.

22 (c) EFFECTIVE DATE OF REGULATIONS.—The regu-
23 lations required under subsection (a) shall take effect on
24 the date on which such regulations are promulgated.

1 (d) TERMINATION OF REGULATIONS.—Except to the
2 extent that the Commission determines that some or all
3 of the regulations promulgated under subsection (a)
4 should remain in effect (excluding any regulation promul-
5 gated under paragraph (1) of such subsection), such regu-
6 lations shall terminate on the later of—

7 (1) the earlier of—

8 (A) the date that is 60 days after the ter-
9 mination of the declaration, or any renewal
10 thereof, of the public health emergency pursu-
11 ant to section 319 of the Public Health Service
12 Act (42 U.S.C. 247d) as a result of confirmed
13 cases of COVID–19; and

14 (B) the date of the expiration of the appro-
15 priation in subsection (f)(2); and

16 (2) the date that is 9 months after the date of
17 the enactment of this Act.

18 (e) EXEMPTIONS.—

19 (1) NOTICE AND COMMENT RULEMAKING RE-
20 QUIREMENTS.—Subsections (b), (c), and (d) of sec-
21 tion 553 of title 5, United States Code, shall not
22 apply to a regulation promulgated under subsection
23 (a) or a rulemaking to promulgate such a regulation.

24 (2) PAPERWORK REDUCTION ACT REQUIRE-
25 MENTS.—A collection of information conducted or

1 sponsored under the regulations required by sub-
2 section (a), or under section 254 of the Communica-
3 tions Act of 1934 (47 U.S.C. 254) in connection
4 with universal service support provided under such
5 regulations, shall not constitute a collection of infor-
6 mation for the purposes of subchapter I of chapter
7 35 of title 44, United States Code (commonly re-
8 ferred to as the Paperwork Reduction Act).

9 (f) EMERGENCY RURAL HEALTH CARE
10 CONNECTIVITY FUND.—

11 (1) ESTABLISHMENT.—There is established in
12 the Treasury of the United States a fund to be
13 known as the Emergency Rural Health Care
14 Connectivity Fund.

15 (2) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Emer-
17 gency Rural Health Care Connectivity Fund
18 \$2,000,000,000 for fiscal year 2020, to remain
19 available through fiscal year 2022.

20 (3) USE OF FUNDS.—Amounts in the Emer-
21 gency Rural Health Care Connectivity Fund shall be
22 available to the Commission to carry out the Rural
23 Health Care Program, as modified by the regula-
24 tions promulgated under subsection (a).

1 (4) RELATIONSHIP TO UNIVERSAL SERVICE
2 CONTRIBUTIONS.—Support provided under the regu-
3 lations required by paragraphs (1) through (3) of
4 subsection (a) shall be provided from amounts made
5 available under paragraph (3) of this subsection and
6 not from contributions under section 254(d) of the
7 Communications Act of 1934 (47 U.S.C. 254(d)).
8 Such support shall be in addition to, and not in re-
9 placement of, funds authorized by the Commission
10 for the Rural Health Care Program as of the date
11 of the enactment of this Act from contributions
12 under section 254(d) of the Communications Act of
13 1934 (47 U.S.C. 254(d)).

14 (g) DEFINITIONS.—In this section:

15 (1) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

17 (2) ELIGIBLE EQUIPMENT.—The term “eligible
18 equipment” means the equipment described in sec-
19 tion 54.613 of title 47, Code of Federal Regulations
20 (or any successor regulation).

21 (3) ELIGIBLE SERVICE PROVIDER.—The term
22 “eligible service provider” means a provider de-
23 scribed in section 54.608 of title 47, Code of Federal
24 Regulations (or any successor regulation).

1 (4) FUNDING YEAR.—The term “funding year”
2 has the meaning given such term in section
3 54.600(a) of title 47, Code of Federal Regulations
4 (or any successor regulation).

5 (5) HEALTH CARE PROVIDER.—The term
6 “health care provider” has the meaning given such
7 term in section 54.600(b) of title 47, Code of Fed-
8 eral Regulations (or any successor regulation).

9 (6) HEALTHCARE CONNECT FUND PROGRAM.—
10 The term “Healthcare Connect Fund Program” has
11 the meaning given such term in section 54.602(b) of
12 title 47, Code of Federal Regulations (or any suc-
13 cessor regulation).

14 (7) MULTI-YEAR COMMITMENTS.—The term
15 “multi-year commitments” means the commitments
16 described in section 54.620(c) of title 47, Code of
17 Federal Regulations (or any successor regulation).

18 (8) RURAL AREA.—The term “rural area” has
19 the meaning given such term in section 54.600(e) of
20 title 47, Code of Federal Regulations (or any suc-
21 cessor regulation).

22 (9) RURAL HEALTH CARE PROGRAM.—The
23 term “Rural Health Care Program” means the pro-
24 gram described in subpart G of part 54 of title 47,

1 Code of Federal Regulations (or any successor regu-
2 lation).

3 (10) RURAL HEALTH CARE PROVIDER.—The
4 term “rural health care provider” has the meaning
5 given such term in section 54.600(f) of title 47,
6 Code of Federal Regulations (or any successor regu-
7 lation).

8 (11) TELECOMMUNICATIONS PROGRAM.—The
9 term “Telecommunications Program” has the mean-
10 ing given such term in section 54.602(a) of title 47,
11 Code of Federal Regulations (or any successor regu-
12 lation).

13 (12) UPFRONT PAYMENTS.—The term “upfront
14 payments” means the payments described in section
15 54.616 of title 47, Code of Federal Regulations (or
16 any successor regulation).

1 **DIVISION N—GIVING RETIRE-**
2 **MENT OPTIONS TO WORKERS**
3 **ACT**

4 **SEC. 140001. SHORT TITLE.**

5 This division may be cited as the “Giving Retirement
6 Options to Workers Act of 2020” or the “GROW Act”.

7 **SEC. 140002. COMPOSITE PLANS.**

8 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT
9 INCOME SECURITY ACT OF 1974.—

10 (1) IN GENERAL.—Title I of the Employee Re-
11 tirement Income Security Act of 1974 (29 U.S.C.
12 1001 et seq.) is amended by adding at the end the
13 following:

14 **“PART 8—COMPOSITE PLANS AND LEGACY**
15 **PLANS**

16 **“SEC. 801. COMPOSITE PLAN DEFINED.**

17 “(a) IN GENERAL.—For purposes of this Act, the
18 term ‘composite plan’ means a pension plan—

19 “(1) which is a multiemployer plan that is nei-
20 ther a defined benefit plan nor a defined contribu-
21 tion plan;

22 “(2) the terms of which provide that the plan
23 is a composite plan for purposes of this title with re-
24 spect to which not more than one multiemployer de-
25 fined benefit plan is treated as a legacy plan within

1 the meaning of section 805, unless there is more
2 than one legacy plan following a merger of composite
3 plans under section 806;

4 “(3) which provides systematically for the pay-
5 ment of benefits—

6 “(A) objectively calculated pursuant to a
7 formula enumerated in the plan document with
8 respect to plan participants after retirement,
9 for life; and

10 “(B) in the form of life annuities, except
11 for benefits which under section 203(e) may be
12 immediately distributed without the consent of
13 the participant;

14 “(4) for which the plan contributions for the
15 first plan year are at least 120 percent of the nor-
16 mal cost for the plan year;

17 “(5) which requires—

18 “(A) an annual valuation of the liability of
19 the plan as of a date within the plan year to
20 which the valuation refers or within one month
21 prior to the beginning of such year;

22 “(B) an annual actuarial determination of
23 the plan’s current funded ratio and projected
24 funded ratio under section 802(a);

1 “(C) corrective action through a realign-
2 ment program pursuant to section 803 when-
3 ever the plan’s projected funded ratio is below
4 120 percent for the plan year; and

5 “(D) an annual notification to each partici-
6 pant describing the participant’s benefits under
7 the plan and explaining that such benefits may
8 be subject to reduction under a realignment
9 program pursuant to section 803 based on the
10 plan’s funded status in future plan years; and

11 “(6) the board of trustees of which includes at
12 least one retiree or beneficiary in pay status during
13 each plan year following the first plan year in which
14 at least 5 percent of the participants in the plan are
15 retirees or beneficiaries in pay status.

16 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
17 FINED BENEFIT PLAN.—

18 “(1) IN GENERAL.—The plan sponsor of a de-
19 fined benefit plan that is a multiemployer plan may,
20 subject to paragraph (2), amend the plan to incor-
21 porate the features of a composite plan as a compo-
22 nent of the multiemployer plan separate from the
23 defined benefit plan component, except in the case of
24 a defined benefit plan for which the plan actuary has
25 certified under section 305(b)(3) that the plan is or

1 will be in critical status for the plan year in which
2 such amendment would become effective or for any
3 of the succeeding 5 plan years.

4 “(2) REQUIREMENTS.—Any amendment pursu-
5 ant to paragraph (1) to incorporate the features of
6 a composite plan as a component of a multiemployer
7 plan shall—

8 “(A) apply with respect to all collective
9 bargaining agreements providing for contribu-
10 tions to the multiemployer plan on or after the
11 effective date of the amendment;

12 “(B) apply with respect to all participants
13 in the multiemployer plan for whom contribu-
14 tions are made to the multiemployer plan on or
15 after the effective date of the amendment;

16 “(C) specify that the effective date of the
17 amendment is—

18 “(i) the first day of a specified plan
19 year following the date of the adoption of
20 the amendment, except that the plan spon-
21 sor may alternatively provide for a sepa-
22 rate effective date with respect to each col-
23 lective bargaining agreement under which
24 contributions to the multiemployer plan
25 are required, which shall occur on the first

1 day of the first plan year beginning after
2 the termination, or if earlier, the re-open-
3 ing, of each such agreement, or such ear-
4 lier date as the parties to the agreement
5 and the plan sponsor of the multiemployer
6 plan shall agree to; and

7 “(ii) not later than the first day of the
8 fifth plan year beginning on or after the
9 date of the adoption of the amendment;

10 “(D) specify that, as of the amendment’s
11 effective date, no further benefits shall accrue
12 under the defined benefit component of the
13 multiemployer plan; and

14 “(E) specify that, as of the amendment’s
15 effective date, the plan sponsor of the multiem-
16 ployer plan shall be the plan sponsor of both
17 the composite plan component and the defined
18 benefit plan component of the plan.

19 “(3) SPECIAL RULES.—If a multiemployer plan
20 is amended pursuant to paragraph (1)—

21 “(A) the requirements of this title and title
22 IV shall be applied to the composite plan com-
23 ponent and the defined benefit plan component
24 of the multiemployer plan as if each such com-
25 ponent were maintained as a separate plan; and

1 “(B) the assets of the composite plan com-
2 ponent and the defined benefit plan component
3 of the plan shall be held in a single trust form-
4 ing part of the plan under which the trust in-
5 strument expressly provides—

6 “(i) for separate accounts (and appro-
7 priate records) to be maintained to reflect
8 the interest which each of the plan compo-
9 nents has in the trust, including separate
10 accounting for additions to the trust for
11 the benefit of each plan component, dis-
12 bursements made from each plan compo-
13 nent’s account in the trust, investment ex-
14 perience of the trust allocable to that ac-
15 count, and administrative expenses (wheth-
16 er direct expenses or shared expenses allo-
17 cated proportionally), and permits, but
18 does not require, the pooling of some or all
19 of the assets of the two plan components
20 for investment purposes; and

21 “(ii) that the assets of each of the two
22 plan components shall be held, invested,
23 reinvested, managed, administered and dis-
24 tributed for the exclusive benefit of the
25 participants and beneficiaries of each such

1 plan component, and in no event shall the
2 assets of one of the plan components be
3 available to pay benefits due under the
4 other plan component.

5 “(4) NOT A TERMINATION EVENT.—Notwith-
6 standing section 4041A, an amendment pursuant to
7 paragraph (1) to incorporate the features of a com-
8 posite plan as a component of a multiemployer plan
9 does not constitute termination of the multiemployer
10 plan.

11 “(5) NOTICE TO THE SECRETARY.—

12 “(A) NOTICE.—The plan sponsor of a
13 composite plan shall provide notice to the Sec-
14 retary of the intent to establish the composite
15 plan (or, in the case of a composite plan incor-
16 porated as a component of a multiemployer
17 plan as described in paragraph (1), the intent
18 to amend the multiemployer plan to incorporate
19 such composite plan) at least 30 days prior to
20 the effective date of such establishment or
21 amendment.

22 “(B) CERTIFICATION.—In the case of a
23 composite plan incorporated as a component of
24 a multiemployer plan as described in paragraph
25 (1), such notice shall include a certification by

1 the plan actuary under section 305(b)(3) that
2 the effective date of the amendment occurs in
3 a plan year for which the multiemployer plan is
4 not in critical status for that plan year and any
5 of the succeeding 5 plan years.

6 “(6) REFERENCES TO COMPOSITE PLAN COM-
7 PONENT.—As used in this part, the term ‘composite
8 plan’ includes a composite plan component added to
9 a defined benefit plan pursuant to paragraph (1).

10 “(7) RULE OF CONSTRUCTION.—Paragraph
11 (2)(A) shall not be construed as preventing the plan
12 sponsor of a multiemployer plan from adopting an
13 amendment pursuant to paragraph (1) because some
14 collective bargaining agreements are amended to
15 cease any covered employer’s obligation to contribute
16 to the multiemployer plan before or after the plan
17 amendment is effective. Paragraph (2)(B) shall not
18 be construed as preventing the plan sponsor of a
19 multiemployer plan from adopting an amendment
20 pursuant to paragraph (1) because some partici-
21 pants cease to have contributions made to the multi-
22 employer plan on their behalf before or after the
23 plan amendment is effective.

1 “(c) COORDINATION WITH FUNDING RULES.—Ex-
2 cept as otherwise provided in this title, sections 302, 304,
3 and 305 shall not apply to a composite plan.

4 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
5 poses of this Act (other than sections 302 and 4245), a
6 composite plan shall be treated as if it were a defined ben-
7 efit plan unless a different treatment is provided for under
8 applicable law.

9 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

10 “(a) CERTIFICATION OF FUNDED RATIOS.—

11 “(1) IN GENERAL.—Not later than the one-
12 hundred twentieth day of each plan year of a com-
13 posite plan, the plan actuary of the composite plan
14 shall certify to the Secretary, the Secretary of the
15 Treasury, and the plan sponsor the plan’s current
16 funded ratio and projected funded ratio for the plan
17 year.

18 “(2) DETERMINATION OF CURRENT FUNDED
19 RATIO AND PROJECTED FUNDED RATIO.—For pur-
20 poses of this section:

21 “(A) CURRENT FUNDED RATIO.—The cur-
22 rent funded ratio is the ratio (expressed as a
23 percentage) of—

24 “(i) the value of the plan’s assets as
25 of the first day of the plan year; to

1 “(ii) the plan actuary’s best estimate
2 of the present value of the plan liabilities
3 as of the first day of the plan year.

4 “(B) PROJECTED FUNDED RATIO.—The
5 projected funded ratio is the current funded
6 ratio projected to the first day of the fifteenth
7 plan year following the plan year for which the
8 determination is being made.

9 “(3) CONSIDERATION OF CONTRIBUTION RATE
10 INCREASES.—For purposes of projections under this
11 subsection, the plan sponsor may anticipate con-
12 tribution rate increases beyond the term of the cur-
13 rent collective bargaining agreement and any agreed-
14 to supplements, up to a maximum of 2.5 percent per
15 year, compounded annually, unless it would be un-
16 reasonable under the circumstances to assume that
17 contributions would increase by that amount.

18 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—
19 For purposes of this part:

20 “(1) IN GENERAL.—All costs, liabilities, rates
21 of interest and other factors under the plan shall be
22 determined for a plan year on the basis of actuarial
23 assumptions and methods—

1 “(A) each of which is reasonable (taking
2 into account the experience of the plan and rea-
3 sonable expectations);

4 “(B) which, in combination, offer the actu-
5 ary’s best estimate of anticipated experience
6 under the plan; and

7 “(C) with respect to which any change
8 from the actuarial assumptions and methods
9 used in the previous plan year shall be certified
10 by the plan actuary and the actuarial rationale
11 for such change provided in the annual report
12 required by section 103.

13 “(2) FAIR MARKET VALUE OF ASSETS.—The
14 value of the plan’s assets shall be taken into account
15 on the basis of their fair market value.

16 “(3) DETERMINATION OF NORMAL COST AND
17 PLAN LIABILITIES.—A plan’s normal cost and liabil-
18 ities shall be based on the most recent actuarial
19 valuation required under section 801(a)(5)(A) and
20 the unit credit funding method.

21 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
22 DEEMED MADE.—Any contributions for a plan year
23 made by an employer after the last day of such plan
24 year, but not later than two and one-half months
25 after such day, shall be deemed to have been made

1 on such last day. For purposes of this paragraph,
2 such two and one-half month period may be ex-
3 tended for not more than six months under regula-
4 tions prescribed by the Secretary of the Treasury.

5 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
6 Except where otherwise provided in this part, the
7 provisions of section 305(b)(3)(B) shall apply to any
8 determination or projection under this part.

9 **“SEC. 803. REALIGNMENT PROGRAM.**

10 “(a) REALIGNMENT PROGRAM.—

11 “(1) ADOPTION.—In any case in which the plan
12 actuary certifies under section 802(a) that the plan’s
13 projected funded ratio is below 120 percent for the
14 plan year, the plan sponsor shall adopt a realign-
15 ment program under paragraph (2) not later than
16 210 days after the due date of the certification re-
17 quired under such section 802(a). The plan sponsor
18 shall adopt an updated realignment program for
19 each succeeding plan year for which a certification
20 described in the preceding sentence is made.

21 “(2) CONTENT OF REALIGNMENT PROGRAM.—

22 “(A) IN GENERAL.—A realignment pro-
23 gram adopted under this paragraph is a written
24 program which consists of all reasonable meas-
25 ures, including options or a range of options to

1 be undertaken by the plan sponsor or proposed
2 to the bargaining parties, formulated, based on
3 reasonably anticipated experience and reason-
4 able actuarial assumptions, to enable the plan
5 to achieve a projected funded ratio of at least
6 120 percent for the following plan year.

7 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
8 sonable measures under a realignment program
9 described in subparagraph (A) may include any
10 of the following:

11 “(i) Proposed contribution increases.

12 “(ii) A reduction in the rate of future
13 benefit accruals, so long as the resulting
14 rate is not less than 1 percent of the con-
15 tributions on which benefits are based as
16 of the start of the plan year (or the equiva-
17 lent standard accrual rate as described in
18 section 305(e)(6)).

19 “(iii) A modification or elimination of
20 adjustable benefits of participants that are
21 not in pay status before the date of the no-
22 tice required under subsection (b)(1).

23 “(iv) Any other lawfully available
24 measures not specifically described in this
25 subparagraph or subparagraph (C) or (D)

1 that the plan sponsor determines are rea-
2 sonable.

3 “(C) ADDITIONAL PROGRAM ELEMENTS.—

4 If the plan sponsor has determined that all rea-
5 sonable measures available under subparagraph
6 (B) will not enable the plan to achieve a pro-
7 jected funded ratio of at least 120 percent for
8 the following plan year, such reasonable meas-
9 ures may also include—

10 “(i) a reduction of accrued benefits
11 that are not in pay status by the date of
12 the notice required under subsection
13 (b)(1); or

14 “(ii) a reduction of any benefits of
15 participants that are in pay status before
16 the date of the notice required under sub-
17 section (b)(1) other than core benefits as
18 defined in paragraph (4).

19 “(D) ADDITIONAL REDUCTIONS.—In the
20 case of a composite plan for which the plan
21 sponsor has determined that all reasonable
22 measures available under subparagraphs (B)
23 and (C) will not enable the plan to achieve a
24 projected funded ratio of at least 120 percent

1 for the following plan year, such reasonable
2 measures may also include—

3 “(i) a further reduction in the rate of
4 future benefit accruals without regard to
5 the limitation applicable under subpara-
6 graph (B)(ii); or

7 “(ii) a reduction of core benefits;
8 provided that such reductions shall be equitably
9 distributed across the participant and bene-
10 ficiary population, taking into account factors,
11 with respect to participants and beneficiaries
12 and their benefits, that may include one or
13 more of the factors listed in subclauses (I)
14 through (X) of section 305(e)(9)(D)(vi), to the
15 extent necessary to enable the plan to achieve
16 a projected funded ratio of at least 120 percent
17 for the following plan year, or at the election of
18 the plan sponsor, a projected funded ratio of at
19 least 100 percent for the following plan year
20 and a current funded ratio of at least 90 per-
21 cent.

22 “(3) ADJUSTABLE BENEFIT DEFINED.—For
23 purposes of this part, the term ‘adjustable benefit’
24 means—

1 “(A) benefits, rights, and features under
2 the plan, including post-retirement death bene-
3 fits, 60-month guarantees, disability benefits
4 not yet in pay status, and similar benefits;

5 “(B) any early retirement benefit or retire-
6 ment-type subsidy (within the meaning of sec-
7 tion 204(g)(2)(A)) and any benefit payment op-
8 tion (other than the qualified joint and survivor
9 annuity); and

10 “(C) benefit increases that were adopted
11 (or, if later, took effect) less than 60 months
12 before the first day such realignment program
13 took effect.

14 “(4) CORE BENEFIT DEFINED.—For purposes
15 of this part, the term ‘core benefit’ means a partici-
16 pant’s accrued benefit payable in the normal form of
17 an annuity commencing at normal retirement age,
18 determined without regard to—

19 “(A) any early retirement benefits, retire-
20 ment-type subsidies, or other benefits, rights, or
21 features that may be associated with that ben-
22 efit; and

23 “(B) any cost-of-living adjustments or ben-
24 efit increases effective after the date of retire-
25 ment.

1 “(5) COORDINATION WITH CONTRIBUTION IN-
2 CREASES.—

3 “(A) IN GENERAL.—A realignment pro-
4 gram may provide that some or all of the ben-
5 efit modifications described in the program will
6 only take effect if the bargaining parties fail to
7 agree to specified levels of increases in contribu-
8 tions to the plan, effective as of specified dates.

9 “(B) INDEPENDENT BENEFIT MODIFICA-
10 TIONS.—If a realignment program adopts any
11 changes to the benefit formula that are inde-
12 pendent of potential contribution increases,
13 such changes shall take effect not later than
14 180 days after the first day of the first plan
15 year that begins following the adoption of the
16 realignment program.

17 “(C) CONDITIONAL BENEFIT MODIFICA-
18 TIONS.—If a realignment program adopts any
19 changes to the benefit formula that take effect
20 only if the bargaining parties fail to agree to
21 contribution increases, such changes shall take
22 effect not later than the first day of the first
23 plan year beginning after the third anniversary
24 of the date of adoption of the realignment pro-
25 gram.

1 “(D) REVOCATION OF CERTAIN BENEFIT
2 MODIFICATIONS.—Benefit modifications de-
3 scribed in subparagraph (C) may be revoked, in
4 whole or in part, and retroactively or prospec-
5 tively, when contributions to the plan are in-
6 creased, as specified in the realignment pro-
7 gram, including any amendments thereto. The
8 preceding sentence shall not apply unless the
9 contribution increases are to be effective not
10 later than the fifth anniversary of the first day
11 of the first plan year that begins after the
12 adoption of the realignment program.

13 “(b) NOTICE.—

14 “(1) IN GENERAL.—In any case in which it is
15 certified under section 802(a) that the projected
16 funded ratio is less than 120 percent, the plan spon-
17 sor shall, not later than 30 days after the date of
18 the certification, provide notification of the current
19 and projected funded ratios to the participants and
20 beneficiaries, the bargaining parties, and the Sec-
21 retary. Such notice shall include—

22 “(A) an explanation that contribution rate
23 increases or benefit reductions may be nec-
24 essary;

1 “(B) a description of the types of benefits
2 that might be reduced; and

3 “(C) an estimate of the contribution in-
4 creases and benefit reductions that may be nec-
5 essary to achieve a projected funded ratio of
6 120 percent.

7 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

8 “(A) IN GENERAL.—No modifications may
9 be made that reduce the rate of future benefit
10 accrual or that reduce core benefits or adjust-
11 able benefits unless notice of such reduction has
12 been given at least 180 days before the general
13 effective date of such reduction for all partici-
14 pants and beneficiaries to—

15 “(i) plan participants and bene-
16 ficiaries;

17 “(ii) each employer who has an obliga-
18 tion to contribute to the composite plan;
19 and

20 “(iii) each employee organization
21 which, for purposes of collective bar-
22 gaining, represents plan participants em-
23 ployed by such employers.

24 “(B) CONTENT OF NOTICE.—The notice
25 under subparagraph (A) shall contain—

1 “(i) sufficient information to enable
2 participants and beneficiaries to under-
3 stand the effect of any reduction on their
4 benefits, including an illustration of any
5 affected benefit or subsidy, on an annual
6 or monthly basis that a participant or ben-
7 efiary would otherwise have been eligible
8 for as of the general effective date de-
9 scribed in subparagraph (A); and

10 “(ii) information as to the rights and
11 remedies of plan participants and bene-
12 ficiaries as well as how to contact the De-
13 partment of Labor for further information
14 and assistance, where appropriate.

15 “(C) FORM AND MANNER.—Any notice
16 under subparagraph (A)—

17 “(i) shall be provided in a form and
18 manner prescribed in regulations of the
19 Secretary of Labor;

20 “(ii) shall be written in a manner so
21 as to be understood by the average plan
22 participant.

23 “(3) MODEL NOTICES.—The Secretary shall—

24 “(A) prescribe model notices that the plan
25 sponsor of a composite plan may use to satisfy

1 the notice requirements under this subsection;
2 and

3 “(B) by regulation enumerate any details
4 related to the elements listed in paragraph (1)
5 that any notice under this subsection must in-
6 clude.

7 “(4) DELIVERY METHOD.—Any notice under
8 this part shall be provided in writing and may also
9 be provided in electronic form to the extent that the
10 form is reasonably accessible to persons to whom the
11 notice is provided.

12 **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

13 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
14 as provided in subsections (c), (d), and (e), no plan
15 amendment increasing benefits or establishing new bene-
16 fits under a composite plan may be adopted for a plan
17 year unless—

18 “(1) the plan’s current funded ratio is at least
19 110 percent (without regard to the benefit increase
20 or new benefits);

21 “(2) taking the benefit increase or new benefits
22 into account, the current funded ratio is at least 100
23 percent and the projected funded ratio for the cur-
24 rent plan year is at least 120 percent;

1 “(3) in any case in which, after taking the ben-
2 efit increase or new benefits into account, the cur-
3 rent funded ratio is less than 140 percent and the
4 projected funded ratio is less than 140 percent, the
5 benefit increase or new benefits are projected by the
6 plan actuary to increase the present value of the
7 plan’s liabilities for the plan year by not more than
8 3 percent; and

9 “(4) expected contributions for the current plan
10 year are at least 120 percent of normal cost for the
11 plan year, determined using the unit credit funding
12 method and treating the benefit increase or new ben-
13 efits as in effect for the entire plan year.

14 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
15 **BENEFITS REDUCED.**—If a plan has been amended to re-
16 duce core benefits pursuant to a realignment program
17 under section 803(a)(2)(D), such plan may not be subse-
18 quently amended to increase core benefits unless the
19 amendment—

20 “(1) increases the level of future benefit pay-
21 ments only; and

22 “(2) provides for an equitable distribution of
23 benefit increases across the participant and bene-
24 ficiary population, taking into account the extent to

1 which the benefits of participants were previously re-
2 duced pursuant to such realignment program.

3 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
4 LAW.—Subsection (a) shall not apply in connection with
5 a plan amendment if the amendment is required as a con-
6 dition of qualification under part I of subchapter D of
7 chapter 1 of the Internal Revenue Code of 1986 or to com-
8 ply with other applicable law.

9 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
10 LIMIT APPLIES.—Subsection (a) shall not apply in con-
11 nection with a plan amendment if and to the extent that
12 contributions to the composite plan would not be deduct-
13 ible for the plan year under section 404(a)(1)(E) of the
14 Internal Revenue Code of 1986 if the plan amendment is
15 not adopted.

16 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
17 TIONS.—Subsection (a) shall not apply in connection with
18 a plan amendment under section 803(a)(5)(C), regarding
19 conditional benefit modifications.

20 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
21 poses of this section—

22 “(1) if two or more plan amendments increas-
23 ing benefits or establishing new benefits are adopted
24 in a plan year, such amendments shall be treated as

1 a single amendment adopted on the last day of the
2 plan year;

3 “(2) all benefit increases and new benefits
4 adopted in a single amendment are treated as a sin-
5 gle benefit increase, irrespective of whether the in-
6 creases and new benefits take effect in more than
7 one plan year; and

8 “(3) increases in contributions or decreases in
9 plan liabilities which are scheduled to take effect in
10 future plan years may be taken into account in con-
11 nection with a plan amendment if they have been
12 agreed to in writing or otherwise formalized by the
13 date the plan amendment is adopted.

14 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
15 **LEGACY PLAN FUNDING.**

16 “(a) TREATMENT AS A LEGACY PLAN.—

17 “(1) IN GENERAL.—For purposes of this part
18 and parts 2 and 3, a defined benefit plan shall be
19 treated as a legacy plan with respect to the com-
20 posite plan under which the employees who were eli-
21 gible to accrue a benefit under the defined benefit
22 plan become eligible to accrue a benefit under such
23 composite plan.

24 “(2) COMPONENT PLANS.—In any case in
25 which a defined benefit plan is amended to add a

1 composite plan component pursuant to section
2 801(b), paragraph (1) shall be applied by sub-
3 stituting ‘defined benefit component’ for ‘defined
4 benefit plan’ and ‘composite plan component’ for
5 ‘composite plan’.

6 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
7 purposes of paragraph (1), an employee is consid-
8 ered eligible to accrue a benefit under a composite
9 plan as of the first day in which the employee com-
10 pletes an hour of service under a collective bar-
11 gaining agreement that provides for contributions to
12 and accruals under the composite plan in lieu of ac-
13 cruals under the legacy plan.

14 “(4) COLLECTIVE BARGAINING AGREEMENT.—
15 As used in this part, the term ‘collective bargaining
16 agreement’ includes any agreement under which an
17 employer has an obligation to contribute to a plan.

18 “(5) OTHER TERMS.—Any term used in this
19 part which is not defined in this part and which is
20 also used in section 305 shall have the same mean-
21 ing provided such term in such section.

22 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
23 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

24 “(1) IN GENERAL.—The plan sponsor of a com-
25 posite plan shall not accept or recognize a collective

1 bargaining agreement (or any modification to such
2 agreement), and no contributions may be accepted
3 and no benefits may be accrued or otherwise earned
4 under the agreement—

5 “(A) in any case in which the plan actuary
6 of any defined benefit plan that would be treat-
7 ed as a legacy plan with respect to such com-
8 posite plan has certified under section
9 305(b)(3) that such defined benefit plan is or
10 will be in critical status for the plan year in
11 which such agreement would take effect or for
12 any of the succeeding 5 plan years; and

13 “(B) unless the agreement requires each
14 employer who is a party to such agreement, in-
15 cluding employers whose employees are not par-
16 ticipants in the legacy plan, to provide contribu-
17 tions to the legacy plan with respect to such
18 composite plan in a manner that satisfies the
19 transition contribution requirements of sub-
20 section (d).

21 “(2) NOTICE.—Not later than 30 days after a
22 determination by a plan sponsor of a composite plan
23 that an agreement fails to satisfy the requirements
24 described in paragraph (1), the plan sponsor shall

1 provide notification of such failure and the reasons
2 for such determination—

3 “(A) to the parties to the agreement;

4 “(B) to active participants of the com-
5 posite plan who have ceased to accrue or other-
6 wise earn benefits with respect to service with
7 an employer pursuant to paragraph (1); and

8 “(C) to the Secretary, the Secretary of the
9 Treasury, and the Pension Benefit Guaranty
10 Corporation.

11 “(3) LIMITATION ON RETROACTIVE EFFECT.—

12 This subsection shall not apply to benefits accrued
13 before the date on which notice is provided under
14 paragraph (2).

15 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
16 UNDER A COMPOSITE PLAN.—

17 “(1) IN GENERAL.—In any case in which an
18 employer, under a collective bargaining agreement
19 entered into after the date of enactment of the Giv-
20 ing Retirement Options to Workers Act of 2020,
21 ceases to have an obligation to contribute to a multi-
22 employer defined benefit plan, no employees em-
23 ployed by the employer may accrue or otherwise earn
24 benefits under any composite plan, with respect to
25 service with that employer, for a 60-month period

1 beginning on the date on which the employer entered
2 into such collective bargaining agreement.

3 “(2) NOTICE OF CESSATION OF OBLIGATION.—

4 Within 30 days of determining that an employer has
5 ceased to have an obligation to contribute to a leg-
6 acy plan with respect to employees employed by an
7 employer that is or will be contributing to a com-
8 posite plan with respect to service of such employees,
9 the plan sponsor of the legacy plan shall notify the
10 plan sponsor of the composite plan of that cessation.

11 “(3) NOTICE OF CESSATION OF ACCRUALS.—

12 Not later than 30 days after determining that an
13 employer has ceased to have an obligation to con-
14 tribute to a legacy plan, the plan sponsor of the
15 composite plan shall notify the bargaining parties,
16 the active participants affected by the cessation of
17 accruals, the Secretary, the Secretary of the Treas-
18 ury, and the Pension Benefit Guaranty Corporation
19 of the cessation of accruals, the period during which
20 such cessation is in effect, and the reasons therefor.

21 “(4) LIMITATION ON RETROACTIVE EFFECT.—

22 This subsection shall not apply to benefits accrued
23 before the date on which notice is provided under
24 paragraph (3).

25 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

1 “(1) IN GENERAL.—A collective bargaining
2 agreement satisfies the transition contribution re-
3 quirements of this subsection if the agreement—

4 “(A) authorizes payment of contributions
5 to a legacy plan at a rate or rates equal to or
6 greater than the transition contribution rate es-
7 tablished by the legacy plan under paragraph
8 (2); and

9 “(B) does not provide for—

10 “(i) a suspension of contributions to
11 the legacy plan with respect to any period
12 of service; or

13 “(ii) any new direct or indirect exclu-
14 sion of younger or newly hired employees
15 of the employer from being taken into ac-
16 count in determining contributions owed to
17 the legacy plan.

18 “(2) TRANSITION CONTRIBUTION RATE.—

19 “(A) IN GENERAL.—The transition con-
20 tribution rate for a plan year is the contribution
21 rate that, as certified by the actuary of the leg-
22 acy plan in accordance with the principles in
23 section 305(b)(3)(B), is reasonably expected to
24 be adequate—

1 “(i) to fund the normal cost for the
2 plan year;

3 “(ii) to amortize the plan’s unfunded
4 liabilities in level annual installments over
5 25 years, beginning with the plan year in
6 which the transition contribution rate is
7 first established; and

8 “(iii) to amortize any subsequent
9 changes in the legacy plan’s unfunded li-
10 ability due to experience gains or losses
11 (including investment gains or losses, gains
12 or losses due to contributions greater or
13 less than the contributions made under the
14 prior transition contribution rate, and
15 other actuarial gains or losses), changes in
16 actuarial assumptions, changes to the leg-
17 acy plan’s benefits, or changes in funding
18 method over a period of 15 plan years be-
19 ginning with the plan year in which such
20 change in unfunded liability is incurred.

21 The transition contribution rate for any plan
22 year may not be less than the transition con-
23 tribution rate for the plan year in which such
24 rate is first established.

1 “(B) MULTIPLE RATES.—If different rates
2 of contribution are payable to the legacy plan
3 by different employers or for different classes of
4 employees, the certification shall specify a tran-
5 sition contribution rate for each such employer.

6 “(C) RATE APPLICABLE TO EMPLOYER.—

7 “(i) IN GENERAL.—Except as pro-
8 vided by clause (ii), the transition con-
9 tribution rate applicable to an employer for
10 a plan year is the rate in effect for the
11 plan year of the legacy plan that com-
12 mences on or after 180 days before the
13 earlier of—

14 “(I) the effective date of the col-
15 lective bargaining agreement pursuant
16 to which the employer contributes to
17 the legacy plan; or

18 “(II) 5 years after the last plan
19 year for which the transition contribu-
20 tion rate applicable to the employer
21 was established or updated.

22 “(ii) EXCEPTION.—The transition
23 contribution rate applicable to an employer
24 for the first plan year beginning on or
25 after the commencement of the employer’s

1 obligation to contribute to the composite
2 plan is the rate in effect for the plan year
3 of the legacy plan that commences on or
4 after 180 days before such first plan year.

5 “(D) EFFECT OF LEGACY PLAN FINANCIAL
6 CIRCUMSTANCES.—If the plan actuary of the
7 legacy plan has certified under section 305 that
8 the plan is in endangered or critical status for
9 a plan year, the transition contribution rate for
10 the following plan year is the rate determined
11 with respect to the employer under the legacy
12 plan’s funding improvement or rehabilitation
13 plan under section 305, if greater than the rate
14 otherwise determined, but in no event greater
15 than 75 percent of the sum of the contribution
16 rates applicable to the legacy plan and the com-
17 posite plan for the plan year.

18 “(E) OTHER ACTUARIAL ASSUMPTIONS
19 AND METHODS.—Except as provided in sub-
20 paragraph (A), the determination of the transi-
21 tion contribution rate for a plan year shall be
22 based on actuarial assumptions and methods
23 consistent with the minimum funding deter-
24 minations made under section 304 (or, if appli-

1 cable, section 305) with respect to the legacy
2 plan for the plan year.

3 “(F) ADJUSTMENTS IN RATE.—The plan
4 sponsor of a legacy plan from time to time may
5 adjust the transition contribution rate or rates
6 applicable to an employer under this paragraph
7 by increasing some rates and decreasing others
8 if the actuary certifies that such adjusted rates
9 in combination will produce projected contribu-
10 tion income for the plan year beginning on or
11 after the date of certification that is not less
12 than would be produced by the transition con-
13 tribution rates in effect at the time of the cer-
14 tification.

15 “(G) NOTICE OF TRANSITION CONTRIBU-
16 TION RATE.—The plan sponsor of a legacy plan
17 shall provide notice to the parties to collective
18 bargaining agreements pursuant to which con-
19 tributions are made to the legacy plan of
20 changes to the transition contribution rate re-
21 quirements at least 30 days before the begin-
22 ning of the plan year for which the rate is effec-
23 tive.

24 “(H) NOTICE TO COMPOSITE PLAN SPON-
25 SOR.—Not later than 30 days after a deter-

1 mination by the plan sponsor of a legacy plan
2 that a collective bargaining agreement provides
3 for a rate of contributions that is below the
4 transition contribution rate applicable to one or
5 more employers that are parties to the collective
6 bargaining agreement, the plan sponsor of the
7 legacy plan shall notify the plan sponsor of any
8 composite plan under which employees of such
9 employer would otherwise be eligible to accrue
10 a benefit.

11 “(3) CORRECTION PROCEDURES.—Pursuant to
12 standards prescribed by the Secretary, the plan
13 sponsor of a composite plan shall adopt rules and
14 procedures that give the parties to the collective bar-
15 gaining agreement notice of the failure of such
16 agreement to satisfy the transition contribution re-
17 quirements of this subsection, and a reasonable op-
18 portunity to correct such failure, not to exceed 180
19 days from the date of notice given under subsection
20 (b)(2).

21 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
22 lective bargaining agreement may provide for supple-
23 mental contributions to the legacy plan for a plan
24 year in excess of the transition contribution rate de-
25 termined under paragraph (2), regardless of whether

1 the legacy plan is in endangered or critical status for
2 such plan year.

3 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
4 STRICTIONS.—

5 “(1) IN GENERAL.—The provisions of sub-
6 sections (a), (b), and (c) shall not apply with respect
7 to a collective bargaining agreement, to the extent
8 the agreement, or a predecessor agreement, provides
9 or provided for contributions to a defined benefit
10 plan that is a legacy plan, as of the first day of the
11 first plan year following a plan year for which the
12 plan actuary certifies that the plan is fully funded,
13 has been fully funded for at least three out of the
14 immediately preceding 5 plan years, and is projected
15 to remain fully funded for at least the following 4
16 plan years.

17 “(2) DETERMINATION OF FULLY FUNDED.—A
18 plan is fully funded for purposes of paragraph (1)
19 if, as of the valuation date of the plan for a plan
20 year, the value of the plan’s assets equals or exceeds
21 the present value of the plan’s liabilities, determined
22 in accordance with the rules prescribed by the Pen-
23 sion Benefit Guaranty Corporation under sections
24 4219(c)(1)(D) and 4281 for multiemployer plans
25 terminating by mass withdrawal, as in effect for the

1 date of the determination, except the plan's reason-
2 able assumption regarding the starting date of bene-
3 fits may be used.

4 “(3) OTHER APPLICABLE RULES.—Except as
5 provided in paragraph (2), actuarial determinations
6 and projections under this section shall be based on
7 the rules in section 305(b)(3) and section 802(b).

8 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-
9 POSITE PLANS.**

10 “(a) IN GENERAL.—Assets and liabilities of a com-
11 posite plan may only be merged with, or transferred to,
12 another plan if—

13 “(1) the other plan is a composite plan;

14 “(2) the plan or plans resulting from the merg-
15 er or transfer is a composite plan;

16 “(3) no participant's accrued benefit or adjust-
17 able benefit is lower immediately after the trans-
18 action than it was immediately before the trans-
19 action; and

20 “(4) the value of the assets transferred in the
21 case of a transfer reasonably reflects the value of the
22 amounts contributed with respect to the participants
23 whose benefits are being transferred, adjusted for al-
24 locable distributions, investment gains and losses,
25 and administrative expenses.

1 “(b) LEGACY PLAN.—

2 “(1) IN GENERAL.—After a merger or transfer
3 involving a composite plan, the legacy plan with re-
4 spect to an employer that is obligated to contribute
5 to the resulting composite plan is the legacy plan
6 that applied to that employer immediately before the
7 merger or transfer.

8 “(2) MULTIPLE LEGACY PLANS.—If an em-
9 ployer is obligated to contribute to more than one
10 legacy plan with respect to employees eligible to ac-
11 crue benefits under more than one composite plan
12 and there is a merger or transfer of such legacy
13 plans, the transition contribution rate applicable to
14 the legacy plan resulting from the merger or trans-
15 fer with respect to that employer shall be determined
16 in accordance with the provisions of section
17 805(d)(2)(B).”.

18 (2) PENALTIES.—

19 (A) CIVIL ENFORCEMENT OF FAILURE TO
20 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
21 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
22 amended—

23 (i) in paragraph (10), by striking “or”
24 at the end;

1 (ii) in paragraph (11), by striking the
2 period at the end and inserting “; or”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(12) in the case of a composite plan required
6 to adopt a realignment program under section 803,
7 if the plan sponsor—

8 “(A) has not adopted a realignment pro-
9 gram under that section by the deadline estab-
10 lished in such section; or

11 “(B) fails to update or comply with the
12 terms of the realignment program in accordance
13 with the requirements of such section,

14 by the Secretary, by an employer that has an obliga-
15 tion to contribute with respect to the composite plan,
16 or by an employee organization that represents ac-
17 tive participants in the composite plan, for an order
18 compelling the plan sponsor to adopt a realignment
19 program, or to update or comply with the terms of
20 the realignment program, in accordance with the re-
21 quirements of such section and the realignment pro-
22 gram.”.

23 (B) CIVIL PENALTIES.—Section 502(c) of
24 such Act (29 U.S.C. 1132(c)) is amended—

1 (i) by moving paragraphs (8), (10),
2 and (12) each 2 ems to the left;

3 (ii) by redesignating paragraphs (9)
4 through (12) as paragraphs (12) through
5 (15), respectively; and

6 (iii) by inserting after paragraph (8)
7 the following:

8 “(9) The Secretary may assess against any plan
9 sponsor of a composite plan a civil penalty of not
10 more than \$1,100 per day for each violation by such
11 sponsor—

12 “(A) of the requirement under section
13 802(a) on the plan actuary to certify the plan’s
14 current or projected funded ratio by the date
15 specified in such subsection; or

16 “(B) of the requirement under section 803
17 to adopt a realignment program by the deadline
18 established in that section and to comply with
19 its terms.

20 “(10)(A) The Secretary may assess against any
21 plan sponsor of a composite plan a civil penalty of
22 not more than \$100 per day for each violation by
23 such sponsor of the requirement under section
24 803(b) to provide notice as described in such section,
25 except that no penalty may be assessed in any case

1 in which the plan sponsor exercised reasonable dili-
2 gence to meet the requirements of such section
3 and—

4 “(i) the plan sponsor did not know that the
5 violation existed; or

6 “(ii) the plan sponsor provided such notice
7 during the 30-day period beginning on the first
8 date on which the plan sponsor knew, or in ex-
9 ercising reasonable due diligence should have
10 known, that such violation existed.

11 “(B) In any case in which the plan sponsor ex-
12 ercised reasonable diligence to meet the require-
13 ments of section 803(b)—

14 “(i) the total penalty assessed under this
15 paragraph against such sponsor for a plan year
16 may not exceed \$500,000; and

17 “(ii) the Secretary may waive part or all of
18 such penalty to the extent that the payment of
19 such penalty would be excessive or otherwise in-
20 equitable relative to the violation involved.

21 “(11) The Secretary may assess against any
22 plan sponsor of a composite plan a civil penalty of
23 not more than \$100 per day for each violation by
24 such sponsor of the notice requirements under sec-
25 tions 801(b)(5) and 805(b)(2).”.

1 (3) CONFORMING AMENDMENT.—The table of
2 contents in section 1 of such Act (29 U.S.C. 1001
3 note) is amended by inserting after the item relating
4 to section 734 the following:

 “PART 8—COMPOSITE PLANS AND LEGACY PLANS

- “Sec. 801. Composite plan defined.
- “Sec. 802. Funded ratios; actuarial assumptions.
- “Sec. 803. Realignment program.
- “Sec. 804. Limitation on increasing benefits.
- “Sec. 805. Composite plan restrictions to preserve legacy plan funding.
- “Sec. 806. Mergers and asset transfers of composite plans.”.

5 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
6 OF 1986.—

7 (1) IN GENERAL.—Part III of subchapter D of
8 chapter 1 of the Internal Revenue Code of 1986 is
9 amended by adding at the end the following:

10 **“Subpart C—Composite Plans and Legacy Plans**

- “Sec. 437. Composite plan defined.
- “Sec. 438. Funded ratios; actuarial assumptions.
- “Sec. 439. Realignment program.
- “Sec. 440. Limitation on increasing benefits.
- “Sec. 440A. Composite plan restrictions to preserve legacy plan funding.
- “Sec. 440B. Mergers and asset transfers of composite plans.

11 **“SEC. 437. COMPOSITE PLAN DEFINED.**

12 “(a) IN GENERAL.—For purposes of this title, the
13 term ‘composite plan’ means a pension plan—

14 “(1) which is a multiemployer plan that is nei-
15 ther a defined benefit plan nor a defined contribu-
16 tion plan,

17 “(2) the terms of which provide that the plan
18 is a composite plan for purposes of this title with re-

1 spect to which not more than one multiemployer de-
2 fined benefit plan is treated as a legacy plan within
3 the meaning of section 440A, unless there is more
4 than one legacy plan following a merger of composite
5 plans under section 440B,

6 “(3) which provides systematically for the pay-
7 ment of benefits—

8 “(A) objectively calculated pursuant to a
9 formula enumerated in the plan document with
10 respect to plan participants after retirement,
11 for life, and

12 “(B) in the form of life annuities, except
13 for benefits which under section 411(a)(11)
14 may be immediately distributed without the
15 consent of the participant,

16 “(4) for which the plan contributions for the
17 first plan year are at least 120 percent of the nor-
18 mal cost for the plan year,

19 “(5) which requires—

20 “(A) an annual valuation of the liability of
21 the plan as of a date within the plan year to
22 which the valuation refers or within one month
23 prior to the beginning of such year,

1 “(B) an annual actuarial determination of
2 the plan’s current funded ratio and projected
3 funded ratio under section 438(a),

4 “(C) corrective action through a realign-
5 ment program pursuant to section 439 when-
6 ever the plan’s projected funded ratio is below
7 120 percent for the plan year, and

8 “(D) an annual notification to each partici-
9 pant describing the participant’s benefits under
10 the plan and explaining that such benefits may
11 be subject to reduction under a realignment
12 program pursuant to section 439 based on the
13 plan’s funded status in future plan years, and

14 “(6) the board of trustees of which includes at
15 least one retiree or beneficiary in pay status during
16 each plan year following the first plan year in which
17 at least 5 percent of the participants in the plan are
18 retirees or beneficiaries in pay status.

19 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
20 FINED BENEFIT PLAN.—

21 “(1) IN GENERAL.—The plan sponsor of a de-
22 fined benefit plan that is a multiemployer plan may,
23 subject to paragraph (2), amend the plan to incor-
24 porate the features of a composite plan as a compo-
25 nent of the multiemployer plan separate from the

1 defined benefit plan component, except in the case of
2 a defined benefit plan for which the plan actuary has
3 certified under section 432(b)(3) that the plan is or
4 will be in critical status for the plan year in which
5 such amendment would become effective or for any
6 of the succeeding 5 plan years.

7 “(2) REQUIREMENTS.—Any amendment pursu-
8 ant to paragraph (1) to incorporate the features of
9 a composite plan as a component of a multiemployer
10 plan shall—

11 “(A) apply with respect to all collective
12 bargaining agreements providing for contribu-
13 tions to the multiemployer plan on or after the
14 effective date of the amendment,

15 “(B) apply with respect to all participants
16 in the multiemployer plan for whom contribu-
17 tions are made to the multiemployer plan on or
18 after the effective date of the amendment,

19 “(C) specify that the effective date of the
20 amendment is—

21 “(i) the first day of a specified plan
22 year following the date of the adoption of
23 the amendment, except that the plan spon-
24 sor may alternatively provide for a sepa-
25 rate effective date with respect to each col-

1 lective bargaining agreement under which
2 contributions to the multiemployer plan
3 are required, which shall occur on the first
4 day of the first plan year beginning after
5 the termination, or if earlier, the re-open-
6 ing, of each such agreement, or such ear-
7 lier date as the parties to the agreement
8 and the plan sponsor of the multiemployer
9 plan shall agree to, and

10 “(ii) not later than the first day of the
11 fifth plan year beginning on or after the
12 date of the adoption of the amendment,

13 “(D) specify that, as of the amendment’s
14 effective date, no further benefits shall accrue
15 under the defined benefit component of the
16 multiemployer plan, and

17 “(E) specify that, as of the amendment’s
18 effective date, the plan sponsor of the multiem-
19 ployer plan shall be the plan sponsor of both
20 the composite plan component and the defined
21 benefit plan component of the plan.

22 “(3) SPECIAL RULES.—If a multiemployer plan
23 is amended pursuant to paragraph (1)—

24 “(A) the requirements of this title shall be
25 applied to the composite plan component and

1 the defined benefit plan component of the mul-
2 tiemployer plan as if each such component were
3 maintained as a separate plan, and

4 “(B) the assets of the composite plan com-
5 ponent and the defined benefit plan component
6 of the plan shall be held in a single trust form-
7 ing part of the plan under which the trust in-
8 strument expressly provides—

9 “(i) for separate accounts (and appro-
10 priate records) to be maintained to reflect
11 the interest which each of the plan compo-
12 nents has in the trust, including separate
13 accounting for additions to the trust for
14 the benefit of each plan component, dis-
15 bursements made from each plan compo-
16 nent’s account in the trust, investment ex-
17 perience of the trust allocable to that ac-
18 count, and administrative expenses (wheth-
19 er direct expenses or shared expenses allo-
20 cated proportionally), and permits, but
21 does not require, the pooling of some or all
22 of the assets of the two plan components
23 for investment purposes, and

24 “(ii) that the assets of each of the two
25 plan components shall be held, invested,

1 reinvested, managed, administered and dis-
2 tributed for the exclusive benefit of the
3 participants and beneficiaries of each such
4 plan component, and in no event shall the
5 assets of one of the plan components be
6 available to pay benefits due under the
7 other plan component.

8 “(4) NOT A TERMINATION EVENT.—Notwith-
9 standing section 4041A of the Employee Retirement
10 Income Security Act of 1974, an amendment pursu-
11 ant to paragraph (1) to incorporate the features of
12 a composite plan as a component of a multiemployer
13 plan does not constitute termination of the multiem-
14 ployer plan.

15 “(5) NOTICE TO THE SECRETARY.—

16 “(A) NOTICE.—The plan sponsor of a
17 composite plan shall provide notice to the Sec-
18 retary of the intent to establish the composite
19 plan (or, in the case of a composite plan incor-
20 porated as a component of a multiemployer
21 plan as described in paragraph (1), the intent
22 to amend the multiemployer plan to incorporate
23 such composite plan) at least 30 days prior to
24 the effective date of such establishment or
25 amendment.

1 “(B) CERTIFICATION.—In the case of a
2 composite plan incorporated as a component of
3 a multiemployer plan as described in paragraph
4 (1), such notice shall include a certification by
5 the plan actuary under section 432(b)(3) that
6 the effective date of the amendment occurs in
7 a plan year for which the multiemployer plan is
8 not in critical status for that plan year and any
9 of the succeeding 5 plan years.

10 “(6) REFERENCES TO COMPOSITE PLAN COM-
11 PONENT.—As used in this subpart, the term ‘com-
12 posite plan’ includes a composite plan component
13 added to a defined benefit plan pursuant to para-
14 graph (1).

15 “(7) RULE OF CONSTRUCTION.—Paragraph
16 (2)(A) shall not be construed as preventing the plan
17 sponsor of a multiemployer plan from adopting an
18 amendment pursuant to paragraph (1) because some
19 collective bargaining agreements are amended to
20 cease any covered employer’s obligation to contribute
21 to the multiemployer plan before or after the plan
22 amendment is effective. Paragraph (2)(B) shall not
23 be construed as preventing the plan sponsor of a
24 multiemployer plan from adopting an amendment
25 pursuant to paragraph (1) because some partici-

1 pants cease to have contributions made to the multi-
2 employer plan on their behalf before or after the
3 plan amendment is effective.

4 “(c) COORDINATION WITH FUNDING RULES.—Ex-
5 cept as otherwise provided in this title, sections 412, 431,
6 and 432 shall not apply to a composite plan.

7 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
8 poses of this title (other than sections 412 and 418E),
9 a composite plan shall be treated as if it were a defined
10 benefit plan unless a different treatment is provided for
11 under applicable law.

12 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

13 “(a) CERTIFICATION OF FUNDED RATIOS.—

14 “(1) IN GENERAL.—Not later than the one-
15 hundred twentieth day of each plan year of a com-
16 posite plan, the plan actuary of the composite plan
17 shall certify to the Secretary, the Secretary of
18 Labor, and the plan sponsor the plan’s current fund-
19 ed ratio and projected funded ratio for the plan
20 year.

21 “(2) DETERMINATION OF CURRENT FUNDED
22 RATIO AND PROJECTED FUNDED RATIO.—For pur-
23 poses of this section—

1 “(A) CURRENT FUNDED RATIO.—The cur-
2 rent funded ratio is the ratio (expressed as a
3 percentage) of—

4 “(i) the value of the plan’s assets as
5 of the first day of the plan year, to

6 “(ii) the plan actuary’s best estimate
7 of the present value of the plan liabilities
8 as of the first day of the plan year.

9 “(B) PROJECTED FUNDED RATIO.—The
10 projected funded ratio is the current funded
11 ratio projected to the first day of the fifteenth
12 plan year following the plan year for which the
13 determination is being made.

14 “(3) CONSIDERATION OF CONTRIBUTION RATE
15 INCREASES.—For purposes of projections under this
16 subsection, the plan sponsor may anticipate con-
17 tribution rate increases beyond the term of the cur-
18 rent collective bargaining agreement and any agreed-
19 to supplements, up to a maximum of 2.5 percent per
20 year, compounded annually, unless it would be un-
21 reasonable under the circumstances to assume that
22 contributions would increase by that amount.

23 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—
24 For purposes of this part—

1 “(1) IN GENERAL.—All costs, liabilities, rates
2 of interest, and other factors under the plan shall be
3 determined for a plan year on the basis of actuarial
4 assumptions and methods—

5 “(A) each of which is reasonable (taking
6 into account the experience of the plan and rea-
7 sonable expectations),

8 “(B) which, in combination, offer the actu-
9 ary’s best estimate of anticipated experience
10 under the plan, and

11 “(C) with respect to which any change
12 from the actuarial assumptions and methods
13 used in the previous plan year shall be certified
14 by the plan actuary and the actuarial rationale
15 for such change provided in the annual report
16 required by section 6058.

17 “(2) FAIR MARKET VALUE OF ASSETS.—The
18 value of the plan’s assets shall be taken into account
19 on the basis of their fair market value.

20 “(3) DETERMINATION OF NORMAL COST AND
21 PLAN LIABILITIES.—A plan’s normal cost and liabil-
22 ities shall be based on the most recent actuarial
23 valuation required under section 437(a)(5)(A) and
24 the unit credit funding method.

1 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
2 DEEMED MADE.—Any contributions for a plan year
3 made by an employer after the last day of such plan
4 year, but not later than two and one-half months
5 after such day, shall be deemed to have been made
6 on such last day. For purposes of this paragraph,
7 such two and one-half month period may be ex-
8 tended for not more than six months under regula-
9 tions prescribed by the Secretary.

10 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
11 Except where otherwise provided in this subpart, the
12 provisions of section 432(b)(3)(B) shall apply to any
13 determination or projection under this subpart.

14 **“SEC. 439. REALIGNMENT PROGRAM.**

15 “(a) REALIGNMENT PROGRAM.—

16 “(1) ADOPTION.—In any case in which the plan
17 actuary certifies under section 438(a) that the plan’s
18 projected funded ratio is below 120 percent for the
19 plan year, the plan sponsor shall adopt a realign-
20 ment program under paragraph (2) not later than
21 210 days after the due date of the certification re-
22 quired under section 438(a). The plan sponsor shall
23 adopt an updated realignment program for each suc-
24 ceeding plan year for which a certification described
25 in the preceding sentence is made.

1 “(2) CONTENT OF REALIGNMENT PROGRAM.—

2 “(A) IN GENERAL.—A realignment pro-
3 gram adopted under this paragraph is a written
4 program which consists of all reasonable meas-
5 ures, including options or a range of options to
6 be undertaken by the plan sponsor or proposed
7 to the bargaining parties, formulated, based on
8 reasonably anticipated experience and reason-
9 able actuarial assumptions, to enable the plan
10 to achieve a projected funded ratio of at least
11 120 percent for the following plan year.

12 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
13 sonable measures under a realignment program
14 described in subparagraph (A) may include any
15 of the following:

16 “(i) Proposed contribution increases.

17 “(ii) A reduction in the rate of future
18 benefit accruals, so long as the resulting
19 rate shall not be less than 1 percent of the
20 contributions on which benefits are based
21 as of the start of the plan year (or the
22 equivalent standard accrual rate as de-
23 scribed in section 432(e)(6)).

24 “(iii) A modification or elimination of
25 adjustable benefits of participants that are

1 not in pay status before the date of the no-
2 tice required under subsection (b)(1).

3 “(iv) Any other legally available meas-
4 ures not specifically described in this sub-
5 paragraph or subparagraph (C) or (D)
6 that the plan sponsor determines are rea-
7 sonable.

8 “(C) ADDITIONAL PROGRAM ELEMENTS.—
9 If the plan sponsor has determined that all rea-
10 sonable measures available under subparagraph
11 (B) will not enable the plan to achieve a pro-
12 jected funded ratio of at least 120 percent the
13 following plan year, such reasonable measures
14 may also include—

15 “(i) a reduction of accrued benefits
16 that are not in pay status by the date of
17 the notice required under subsection
18 (b)(1), or

19 “(ii) a reduction of any benefits of
20 participants that are in pay status before
21 the date of the notice required under sub-
22 section (b)(1) other than core benefits as
23 defined in paragraph (4).

24 “(D) ADDITIONAL REDUCTIONS.—In the
25 case of a composite plan for which the plan

1 sponsor has determined that all reasonable
2 measures available under subparagraphs (B)
3 and (C) will not enable the plan to achieve a
4 projected funded ratio of at least 120 percent
5 for the following plan year, such reasonable
6 measures may also include—

7 “(i) a further reduction in the rate of
8 future benefit accruals without regard to
9 the limitation applicable under subpara-
10 graph (B)(ii), or

11 “(ii) a reduction of core benefits,
12 provided that such reductions shall be equitably
13 distributed across the participant and bene-
14 ficiary population, taking into account factors,
15 with respect to participants and beneficiaries
16 and their benefits, that may include one or
17 more of the factors listed in subclauses (I)
18 through (X) of section 432(e)(9)(D)(vi), to the
19 extent necessary to enable the plan to achieve
20 a projected funded ratio of at least 120 percent
21 for the following plan year, or at the election of
22 the plan sponsor, a projected funded ratio of at
23 least 100 percent for the following plan year
24 and a current funded ratio of at least 90 per-
25 cent.

1 “(3) ADJUSTABLE BENEFIT DEFINED.—For
2 purposes of this subpart, the term ‘adjustable ben-
3 efit’ means—

4 “(A) benefits, rights, and features under
5 the plan, including post-retirement death bene-
6 fits, 60-month guarantees, disability benefits
7 not yet in pay status, and similar benefits,

8 “(B) any early retirement benefit or retire-
9 ment-type subsidy (within the meaning of sec-
10 tion 411(d)(6)(B)(i)) and any benefit payment
11 option (other than the qualified joint and sur-
12 vivor annuity), and

13 “(C) benefit increases that were adopted
14 (or, if later, took effect) less than 60 months
15 before the first day such realignment program
16 took effect.

17 “(4) CORE BENEFIT DEFINED.—For purposes
18 of this subpart, the term ‘core benefit’ means a par-
19 ticipant’s accrued benefit payable in the normal form
20 of an annuity commencing at normal retirement age,
21 determined without regard to—

22 “(A) any early retirement benefits, retire-
23 ment-type subsidies, or other benefits, rights, or
24 features that may be associated with that ben-
25 efit, and

1 “(B) any cost-of-living adjustments or ben-
2 efit increases effective after the date of retire-
3 ment.

4 “(5) COORDINATION WITH CONTRIBUTION IN-
5 CREASES.—

6 “(A) IN GENERAL.—A realignment pro-
7 gram may provide that some or all of the ben-
8 efit modifications described in the program will
9 only take effect if the bargaining parties fail to
10 agree to specified levels of increases in contribu-
11 tions to the plan, effective as of specified dates.

12 “(B) INDEPENDENT BENEFIT MODIFICA-
13 TIONS.—If a realignment program adopts any
14 changes to the benefit formula that are inde-
15 pendent of potential contribution increases,
16 such changes shall take effect not later than
17 180 days following the first day of the first
18 plan year that begins following the adoption of
19 the realignment program.

20 “(C) CONDITIONAL BENEFIT MODIFICA-
21 TIONS.—If a realignment program adopts any
22 changes to the benefit formula that take effect
23 only if the bargaining parties fail to agree to
24 contribution increases, such changes shall take
25 effect not later than the first day of the first

1 plan year beginning after the third anniversary
2 of the date of adoption of the realignment pro-
3 gram.

4 “(D) REVOCATION OF CERTAIN BENEFIT
5 MODIFICATIONS.—Benefit modifications de-
6 scribed in paragraph (3) may be revoked, in
7 whole or in part, and retroactively or prospec-
8 tively, when contributions to the plan are in-
9 creased, as specified in the realignment pro-
10 gram, including any amendments thereto. The
11 preceding sentence shall not apply unless the
12 contribution increases are to be effective not
13 later than the fifth anniversary of the first day
14 of the first plan year that begins after the
15 adoption of the realignment program.

16 “(b) NOTICE.—

17 “(1) IN GENERAL.—In any case in which it is
18 certified under section 438(a) that the projected
19 funded ratio is less than 120 percent, the plan spon-
20 sor shall, not later than 30 days after the date of
21 the certification, provide notification of the current
22 and projected funded ratios to the participants and
23 beneficiaries, the bargaining parties, and the Sec-
24 retary. Such notice shall include—

1 “(A) an explanation that contribution rate
2 increases or benefit reductions may be nec-
3 essary,

4 “(B) a description of the types of benefits
5 that might be reduced, and

6 “(C) an estimate of the contribution in-
7 creases and benefit reductions that may be nec-
8 essary to achieve a projected funded ratio of
9 120 percent.

10 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

11 “(A) IN GENERAL.—No modifications may
12 be made that reduce the rate of future benefit
13 accrual or that reduce core benefits or adjust-
14 able benefits unless notice of such reduction has
15 been given at least 180 days before the general
16 effective date of such reduction for all partici-
17 pants and beneficiaries to—

18 “(i) plan participants and bene-
19 ficiaries,

20 “(ii) each employer who has an obliga-
21 tion to contribute to the composite plan,
22 and

23 “(iii) each employee organization
24 which, for purposes of collective bar-

1 gaining, represents plan participants em-
2 ployed by such employers.

3 “(B) CONTENT OF NOTICE.—The notice
4 under subparagraph (A) shall contain—

5 “(i) sufficient information to enable
6 participants and beneficiaries to under-
7 stand the effect of any reduction on their
8 benefits, including an illustration of any
9 affected benefit or subsidy, on an annual
10 or monthly basis that a participant or ben-
11 eficiary would otherwise have been eligible
12 for as of the general effective date de-
13 scribed in subparagraph (A), and

14 “(ii) information as to the rights and
15 remedies of plan participants and bene-
16 ficiaries as well as how to contact the De-
17 partment of Labor for further information
18 and assistance, where appropriate.

19 “(C) FORM AND MANNER.—Any notice
20 under subparagraph (A)—

21 “(i) shall be provided in a form and
22 manner prescribed in regulations of the
23 Secretary of Labor,

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection,
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits),

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent,

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent or the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent, and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
22 **BENEFITS REDUCED.**—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 439(a)(2)(D), such plan may not be subse-

1 frequently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only, and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 or to comply with other applicable law.

15 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
16 LIMIT APPLIES.—Subsection (a) shall not apply in con-
17 nection with a plan amendment if and to the extent that
18 contributions to the composite plan would not be deduct-
19 ible for the plan year under section 404(a)(1)(E) if the
20 plan amendment is not adopted. The Secretary of the
21 Treasury shall issue regulations to implement this para-
22 graph.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 439(a)(5)(C), regarding
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
4 poses of this section—

5 “(1) if two or more plan amendments increas-
6 ing benefits or establishing new benefits are adopted
7 in a plan year, such amendments shall be treated as
8 a single amendment adopted on the last day of the
9 plan year,

10 “(2) all benefit increases and new benefits
11 adopted in a single amendment are treated as a sin-
12 gle benefit increase, irrespective of whether the in-
13 creases and new benefits take effect in more than
14 one plan year, and

15 “(3) increases in contributions or decreases in
16 plan liabilities which are scheduled to take effect in
17 future plan years may be taken into account in con-
18 nection with a plan amendment if they have been
19 agreed to in writing or otherwise formalized by the
20 date the plan amendment is adopted.

21 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRE-
22 SERVE LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this sub-
25 chapter, a defined benefit plan shall be treated as a

1 legacy plan with respect to the composite plan under
2 which the employees who were eligible to accrue a
3 benefit under the defined benefit plan become eligi-
4 ble to accrue a benefit under such composite plan.

5 “(2) COMPONENT PLANS.—In any case in
6 which a defined benefit plan is amended to add a
7 composite plan component pursuant to section
8 437(b), paragraph (1) shall be applied by sub-
9 stituting ‘defined benefit component’ for ‘defined
10 benefit plan’ and ‘composite plan component’ for
11 ‘composite plan’.

12 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
13 purposes of paragraph (1), an employee is consid-
14 ered eligible to accrue a benefit under a composite
15 plan as of the first day in which the employee com-
16 pletes an hour of service under a collective bar-
17 gaining agreement that provides for contributions to
18 and accruals under the composite plan in lieu of ac-
19 cruals under the legacy plan.

20 “(4) COLLECTIVE BARGAINING AGREEMENT.—
21 As used in this subpart, the term ‘collective bar-
22 gaining agreement’ includes any agreement under
23 which an employer has an obligation to contribute to
24 a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 subpart which is not defined in this part and which
3 is also used in section 432 shall have the same
4 meaning provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
8 posite plan shall not accept or recognize a collective
9 bargaining agreement (or any modification to such
10 agreement), and no contributions may be accepted
11 and no benefits may be accrued or otherwise earned
12 under the agreement—

13 “(A) in any case in which the plan actuary
14 of any defined benefit plan that would be treat-
15 ed as a legacy plan with respect to such com-
16 posite plan has certified under section
17 432(b)(3) that such defined benefit plan is or
18 will be in critical status for the plan year in
19 which such agreement would take effect or for
20 any of the succeeding 5 plan years, and

21 “(B) unless the agreement requires each
22 employer who is a party to such agreement, in-
23 cluding employers whose employees are not par-
24 ticipants in the legacy plan, to provide contribu-
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite
12 plan who have ceased to accrue or otherwise
13 earn benefits with respect to service with an
14 employer pursuant to paragraph (1), and

15 “(C) the Secretary of Labor, the Secretary
16 of the Treasury, and the Pension Benefit Guar-
17 anty Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of Labor, and
25 the Pension Benefit Guaranty Corporation of the

1 cessation of accruals, the period during which such
2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-
12 tions to a legacy plan at a rate or rates equal
13 to or greater than the transition contribution
14 rate established under paragraph (2), and

15 “(B) does not provide for—

16 “(i) a suspension of contributions to
17 the legacy plan with respect to any period
18 of service, or

19 “(ii) any new direct or indirect exclu-
20 sion of younger or newly hired employees
21 of the employer from being taken into ac-
22 count in determining contributions owed to
23 the legacy plan.

24 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 432(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year,

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established, and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan, or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 432 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 432, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 431 (or, if appli-
6 cable, section 432) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 quirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary of Labor, the
18 plan sponsor of a composite plan shall adopt rules
19 and procedures that give the parties to the collective
20 bargaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(e)(1)(D) and 4281 of Employee Retirement
5 Income and Security Act for multiemployer plans
6 terminating by mass withdrawal, as in effect for the
7 date of the determination, except the plan’s reason-
8 able assumption regarding the starting date of bene-
9 fits may be used.

10 “(3) OTHER APPLICABLE RULES.—Except as
11 provided in paragraph (2), actuarial determinations
12 and projections under this section shall be based on
13 the rules in section 432(b)(3) and section 438(b).

14 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**
15 **POSITE PLANS.**

16 “(a) IN GENERAL.—Assets and liabilities of a com-
17 posite plan may only be merged with, or transferred to,
18 another plan if—

19 “(1) the other plan is a composite plan,

20 “(2) the plan or plans resulting from the merg-
21 er or transfer is a composite plan,

22 “(3) no participant’s accrued benefit or adjust-
23 able benefit is lower immediately after the trans-
24 action than it was immediately before the trans-
25 action, and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 440A(d)(2)(B).”.

24 “(2) CLERICAL AMENDMENT.—The table of sub-
25 parts for part III of subchapter D of chapter 1 of

1 the Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after the
5 date of the enactment of this Act.

6 **SEC. 140003. APPLICATION OF CERTAIN REQUIREMENTS TO**
7 **COMPOSITE PLANS.**

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
9 INCOME SECURITY ACT OF 1974.—

10 (1) TREATMENT FOR PURPOSES OF FUNDING
11 NOTICES.—Section 101(f) of the Employee Retirement
12 Income Security Act of 1974 (29 U.S.C.
13 1021(f)) is amended—

14 (A) in paragraph (1) by striking “title IV
15 applies” and inserting “title IV applies or which
16 is a composite plan”; and

17 (B) by adding at the end the following:

18 “(5) APPLICATION TO COMPOSITE PLANS.—The
19 provisions of this subsection shall apply to a com-
20 posite plan only to the extent prescribed by the Sec-
21 retary in regulations that take into account the dif-
22 ferences between a composite plan and a defined
23 benefit plan that is a multiemployer plan.”.

24 (2) TREATMENT FOR PURPOSES OF ANNUAL
25 REPORT.—Section 103 of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1023) is
2 amended—

3 (A) in subsection (d) by adding at the end
4 the following sentence: “The provisions of this
5 subsection shall apply to a composite plan only
6 to the extent prescribed by the Secretary in reg-
7 ulations that take into account the differences
8 between a composite plan and a defined benefit
9 plan that is a multiemployer plan.”;

10 (B) in subsection (f) by adding at the end
11 the following:

12 “(3) ADDITIONAL INFORMATION FOR COM-
13 POSITE PLANS.—With respect to any composite
14 plan—

15 “(A) the provisions of paragraph (1)(A)
16 shall apply by substituting ‘current funded ratio
17 and projected funded ratio (as such terms are
18 defined in section 802(a)(2))’ for ‘funded per-
19 centage’ each place it appears; and

20 “(B) the provisions of paragraph (2) shall
21 apply only to the extent prescribed by the Sec-
22 retary in regulations that take into account the
23 differences between a composite plan and a de-
24 fined benefit plan that is a multiemployer
25 plan.”; and

1 (C) by adding at the end the following:

2 “(h) COMPOSITE PLANS.—A multiemployer plan that
3 incorporates the features of a composite plan as provided
4 in section 801(b) shall be treated as a single plan for pur-
5 poses of the report required by this section, except that
6 separate financial statements and actuarial statements
7 shall be provided under paragraphs (3) and (4) of sub-
8 section (a) for the defined benefit plan component and for
9 the composite plan component of the multiemployer
10 plan.”.

11 (3) TREATMENT FOR PURPOSES OF PENSION
12 BENEFIT STATEMENTS.—Section 105(a) of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1025(a)) is amended by adding at the end
15 the following:

16 “(4) COMPOSITE PLANS.—For purposes of this
17 subsection, a composite plan shall be treated as a
18 defined benefit plan to the extent prescribed by the
19 Secretary in regulations that take into account the
20 differences between a composite plan and a defined
21 benefit plan that is a multiemployer plan.”.

22 (b) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—Section 6058 of the Internal Revenue
24 Code of 1986 is amended by redesignating subsection (f)

1 as subsection (g) and by inserting after subsection (e) the
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that
4 incorporates the features of a composite plan as provided
5 in section 437(b) shall be treated as a single plan for pur-
6 poses of the return required by this section, except that
7 separate financial statements shall be provided for the de-
8 fined benefit plan component and for the composite plan
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **SEC. 140004. TREATMENT OF COMPOSITE PLANS UNDER**
14 **TITLE IV.**

15 (a) DEFINITION.—Section 4001(a) of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C.
17 1301(a)) is amended by striking the period at the end of
18 paragraph (21) and inserting a semicolon and by adding
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29
23 U.S.C. 1306(a)) is amended by adding at the end the fol-
24 lowing:
25

1 “(9) The composite plan component of a multi-
2 employer plan shall be disregarded in determining
3 the premiums due under this section from the multi-
4 employer plan.”.

5 (c) COMPOSITE PLANS NOT COVERED.—Section
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-
7 ed by striking “Act” and inserting “Act, or a composite
8 plan, as defined in paragraph (43) of section 3 of this
9 Act”.

10 (d) NO WITHDRAWAL LIABILITY.—Section 4201 of
11 such Act (29 U.S.C. 1381) is amended by adding at the
12 end the following:

13 “(c) Contributions by an employer to the composite
14 plan component of a multiemployer plan shall not be taken
15 into account for any purpose under this title.”.

16 (e) NO WITHDRAWAL LIABILITY FOR CERTAIN
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is
18 further amended by adding at the end the following:

19 “(d) Contributions by an employer to a multiem-
20 ployer plan described in the except clause of section 3(35)
21 of this Act pursuant to a collective bargaining agreement
22 that specifically designates that such contributions shall
23 be allocated to the separate defined contribution accounts
24 of participants under the plan shall not be taken into ac-
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-
2 mination of the employer’s highest contribution rate under
3 section 4219), even if, under the terms of the plan, partici-
4 pants have the option to transfer assets in their separate
5 defined contribution accounts to the defined benefit por-
6 tion of the plan in return for service credit under the de-
7 fined benefit portion, at rates established by the plan
8 sponsor.

9 “(e) A legacy plan created under section 805 shall
10 be deemed to have no unfunded vested benefits for pur-
11 poses of this part, for each plan year following a period
12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-
14 ing of section 805 for at least 3 of the plan years
15 during that period, ending with a plan year for
16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits
18 for at least 3 of the plan years during that period,
19 ending with a plan year for which the plan is fully
20 funded; and

21 “(3) the plan is projected to be fully funded
22 and to have no unfunded vested benefits for the fol-
23 lowing four plan years.”.

24 (f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS
25 CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be
4 allocated to an employer that has an obligation to con-
5 tribute to a legacy plan described in subsection (e) of sec-
6 tion 4201 for each plan year for which such subsection
7 applies.”.

8 (g) NO OBLIGATION TO CONTRIBUTE.—Section
9 4212 of such Act (29 U.S.C. 1392) is amended by adding
10 at the end the following:

11 “(d) NO OBLIGATION TO CONTRIBUTE.—An em-
12 ployer shall not be treated as having an obligation to con-
13 tribute to a multiemployer defined benefit plan within the
14 meaning of subsection (a) solely because—

15 “(1) in the case of a multiemployer plan that
16 includes a composite plan component, the employer
17 has an obligation to contribute to the composite plan
18 component of the plan;

19 “(2) the employer has an obligation to con-
20 tribute to a composite plan that is maintained pur-
21 suant to one or more collective bargaining agree-
22 ments under which the multiemployer defined ben-
23 efit plan is or previously was maintained; or

24 “(3) the employer contributes or has contrib-
25 uted under section 805(d) to a legacy plan associ-

1 ated with a composite plan pursuant to a collective
2 bargaining agreement but employees of that em-
3 ployer were not eligible to accrue benefits under the
4 legacy plan with respect to service with that em-
5 ployer.”.

6 (h) NO INFERENCE.—Nothing in the amendment
7 made by subsection (e) shall be construed to create an in-
8 ference with respect to the treatment under title IV of the
9 Employee Retirement Income Security Act of 1974, as in
10 effect before such amendment, of contributions by an em-
11 ployer to a multiemployer plan described in the except
12 clause of section 3(35) of such Act that are made before
13 the effective date of subsection (e) specified in subsection
14 (h)(2).

15 (i) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in sub-
17 paragraph (2), the amendments made by this section
18 shall apply to plan years beginning after the date of
19 the enactment of this Act.

20 (2) SPECIAL RULE FOR SECTION 414(k) MULTI-
21 EMPLOYER PLANS.—The amendment made by sub-
22 section (e) shall apply only to required contributions
23 payable for plan years beginning after the date of
24 the enactment of this Act.

1 **SEC. 140005. CONFORMING CHANGES.**

2 (a) DEFINITIONS.—Section 3 of the Employee Re-
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-
6 posite plan” after “other than an individual account
7 plan”; and

8 (2) by adding at the end the following:

9 “(43) The term ‘composite plan’ has the mean-
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of
15 the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1084(b)) is amended by adding at
17 the end the following:

18 “(9) SPECIAL FUNDING RULE FOR CERTAIN
19 LEGACY PLANS.—In the case of a multiemployer de-
20 fined benefit plan that has adopted an amendment
21 under section 801(b), in accordance with which no
22 further benefits shall accrue under the multiem-
23 ployer defined benefit plan, the plan sponsor may
24 combine the outstanding balance of all charge and
25 credit bases and amortize that combined base in
26 level annual installments (until fully amortized) over

1 a period of 25 plan years beginning with the plan
2 year following the date all benefit accruals ceased.”.

3 (2) AMENDMENT TO INTERNAL REVENUE CODE
4 OF 1986.—Section 431(b) of the Internal Revenue
5 Code of 1986 is amended by adding at the end the
6 following:

7 “(9) SPECIAL FUNDING RULE FOR CERTAIN
8 LEGACY PLANS.—In the case of a multiemployer de-
9 fined benefit plan that has adopted an amendment
10 under section 437(b), in accordance with which no
11 further benefits shall accrue under the multiem-
12 ployer defined benefit plan, the plan sponsor may
13 combine the outstanding balance of all charge and
14 credit bases and amortize that combined base in
15 level annual installments (until fully amortized) over
16 a period of 25 plan years beginning with the plan
17 year following the date on which all benefit accruals
18 ceased.”.

19 (c) BENEFITS AFTER MERGER, CONSOLIDATION, OR
20 TRANSFER OF ASSETS.—

21 (1) AMENDMENT TO EMPLOYEE RETIREMENT
22 INCOME SECURITY ACT OF 1974.—Section 208 of the
23 Employee Retirement Income Security Act of 1974
24 (29 U.S.C. 1058) is amended—

1 (A) by striking so much of the first sen-
2 tence as precedes “may not merge” and insert-
3 ing the following:

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a pension plan may not merge, and”;

6 (B) by striking the second sentence and
7 adding at the end the following:

8 “(2) SPECIAL REQUIREMENTS FOR MULTITEM-
9 PLOYER PLANS.—Paragraph (1) shall not apply to
10 any transaction to the extent that participants either
11 before or after the transaction are covered under a
12 multiemployer plan to which title IV of this Act ap-
13 plies or a composite plan.”.

14 (2) AMENDMENTS TO INTERNAL REVENUE
15 CODE OF 1986.—

16 (A) QUALIFICATION REQUIREMENT.—Sec-
17 tion 401(a)(12) of the Internal Revenue Code
18 of 1986 is amended—

19 (i) by striking “(12) A trust” and in-
20 serting the following:

21 “(12) BENEFITS AFTER MERGER, CONSOLIDA-
22 TION, OR TRANSFER OF ASSETS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), a trust”;

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) shall
7 not apply to any multiemployer plan with re-
8 spect to any transaction to the extent that par-
9 ticipants either before or after the transaction
10 are covered under a multiemployer plan to
11 which title IV of the Employee Retirement In-
12 come Security Act of 1974 applies or a com-
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-
15 MENT.—Paragraph (1) of section 414(l) of such
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and
18 all that follows through “shall not con-
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a trust which forms a part
24 of a plan shall not constitute”; and

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) does not
7 apply to any multiemployer plan with respect to
8 any transaction to the extent that participants
9 either before or after the transaction are cov-
10 ered under a multiemployer plan to which title
11 IV of the Employee Retirement Income Secu-
12 rity Act of 1974 applies or a composite plan.”.

13 (d) REQUIREMENTS FOR STATUS AS A QUALIFIED
14 PLAN.—

15 (1) REQUIREMENT THAT ACTUARIAL ASSUMP-
16 TIONS BE SPECIFIED.—Section 401(a)(25) of the In-
17 ternal Revenue Code of 1986 is amended by insert-
18 ing “(in the case of a composite plan, benefits objec-
19 tively calculated pursuant to a formula)” after “defi-
20 nitely determinable benefits”.

21 (2) MISSING PARTICIPANTS IN TERMINATING
22 COMPOSITE PLAN.—Section 401(a)(34) of the Inter-
23 nal Revenue Code of 1986 is amended by striking “,
24 a trust” and inserting “or a composite plan, a
25 trust”.

1 (e) DEDUCTION FOR CONTRIBUTIONS TO A QUALI-
2 FIED PLAN.—Section 404(a)(1) of the Internal Revenue
3 Code of 1986 is amended by redesignating subparagraph
4 (E) as subparagraph (F) and by inserting after subpara-
5 graph (D) the following:

6 “(E) COMPOSITE PLANS.—

7 “(i) IN GENERAL.—In the case of a
8 composite plan, subparagraph (D) shall
9 not apply and the maximum amount de-
10 ductible for a plan year shall be the excess
11 (if any) of—

12 “(I) 160 percent of the greater
13 of—

14 “(aa) the current liability of
15 the plan determined in accord-
16 ance with the principles of sec-
17 tion 431(c)(6)(D), or

18 “(bb) the present value of
19 plan liabilities as determined
20 under section 438, over

21 “(II) the fair market value of the
22 plan’s assets, projected to the end of
23 the plan year.

1 “(ii) SPECIAL RULES FOR PREDE-
2 CESSOR MULTIEMPLOYER PLAN TO COM-
3 POSITE PLAN.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), if an em-
6 ployer contributes to a composite plan
7 with respect to its employees, con-
8 tributions by that employer to a mul-
9 tiemployer defined benefit plan with
10 respect to some or all of the same
11 group of employees shall be deductible
12 under sections 162 and this section,
13 subject to the limits in subparagraph
14 (D).

15 “(II) TRANSITION CONTRIBU-
16 TION.—The full amount of a contribu-
17 tion to satisfy the transition contribu-
18 tion requirement (as defined in sec-
19 tion 440A(d)) and allocated to the
20 legacy defined benefit plan for the
21 plan year shall be deductible for the
22 employer’s taxable year ending with or
23 within the plan year.”.

24 (f) MINIMUM VESTING STANDARDS.—

1 (1) YEARS OF SERVICE UNDER COMPOSITE
2 PLANS.—

3 (A) EMPLOYEE RETIREMENT INCOME SE-
4 CURITY ACT OF 1974.—Section 203 of the Em-
5 ployee Retirement Income Security Act of 1974
6 (29 U.S.C. 1053) is amended by inserting after
7 subsection (f) the following:

8 “(g) SPECIAL RULES FOR COMPUTING YEARS OF
9 SERVICE UNDER COMPOSITE PLANS.—

10 “(1) IN GENERAL.—In determining a qualified
11 employee’s years of service under a composite plan
12 for purposes of this section, the employee’s years of
13 service under a legacy plan shall be treated as years
14 of service earned under the composite plan. For pur-
15 poses of such determination, a composite plan shall
16 not be treated as a defined benefit plan pursuant to
17 section 801(d).

18 “(2) QUALIFIED EMPLOYEE.—For purposes of
19 this subsection, an employee is a qualified employee
20 if the employee first completes an hour of service
21 under the composite plan (determined without re-
22 gard to the provisions of this subsection) within the
23 12-month period immediately preceding or the 24-
24 month period immediately following the date the em-

1 ployee ceased to accrue benefits under the legacy
2 plan.

3 “(3) CERTIFICATION OF YEARS OF SERVICE.—
4 For purposes of paragraph (1), the plan sponsor of
5 the composite plan shall rely on a written certifi-
6 cation by the plan sponsor of the legacy plan of the
7 years of service the qualified employee completed
8 under the defined benefit plan as of the date the em-
9 ployee satisfies the requirements of paragraph (2),
10 disregarding any years of service that had been for-
11 feited under the rules of the defined benefit plan be-
12 fore that date.

13 “(h) SPECIAL RULES FOR COMPUTING YEARS OF
14 SERVICE UNDER LEGACY PLANS.—

15 “(1) IN GENERAL.—In determining a qualified
16 employee’s years of service under a legacy plan for
17 purposes of this section, and in addition to any serv-
18 ice under applicable regulations, the employee’s
19 years of service under a composite plan shall be
20 treated as years of service earned under the legacy
21 plan. For purposes of such determination, a com-
22 posite plan shall not be treated as a defined benefit
23 plan pursuant to section 801(d).

24 “(2) QUALIFIED EMPLOYEE.—For purposes of
25 this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service
2 under the composite plan (determined without re-
3 gard to the provisions of this subsection) within the
4 12-month period immediately preceding or the 24-
5 month period immediately following the date the em-
6 ployee ceased to accrue benefits under the legacy
7 plan.

8 “(3) CERTIFICATION OF YEARS OF SERVICE.—
9 For purposes of paragraph (1), the plan sponsor of
10 the legacy plan shall rely on a written certification
11 by the plan sponsor of the composite plan of the
12 years of service the qualified employee completed
13 under the composite plan after the employee satisfies
14 the requirements of paragraph (2), disregarding any
15 years of service that has been forfeited under the
16 rules of the composite plan.”

17 (B) INTERNAL REVENUE CODE OF 1986.—
18 Section 411(a) of the Internal Revenue Code of
19 1986 is amended by adding at the end the fol-
20 lowing:

21 “(14) SPECIAL RULES FOR DETERMINING
22 YEARS OF SERVICE UNDER COMPOSITE PLANS.—

23 “(A) IN GENERAL.—In determining a
24 qualified employee’s years of service under a
25 composite plan for purposes of this subsection,

1 the employee's years of service under a legacy
2 plan shall be treated as years of service earned
3 under the composite plan. For purposes of such
4 determination, a composite plan shall not be
5 treated as a defined benefit plan pursuant to
6 section 437(d).

7 “(B) QUALIFIED EMPLOYEE.—For pur-
8 poses of this paragraph, an employee is a quali-
9 fied employee if the employee first completes an
10 hour of service under the composite plan (deter-
11 mined without regard to the provisions of this
12 paragraph) within the 12-month period imme-
13 diately preceding or the 24-month period imme-
14 diately following the date the employee ceased
15 to accrue benefits under the legacy plan.

16 “(C) CERTIFICATION OF YEARS OF SERV-
17 ICE.—For purposes of subparagraph (A), the
18 plan sponsor of the composite plan shall rely on
19 a written certification by the plan sponsor of
20 the legacy plan of the years of service the quali-
21 fied employee completed under the legacy plan
22 as of the date the employee satisfies the re-
23 quirements of subparagraph (B), disregarding
24 any years of service that had been forfeited

1 under the rules of the defined benefit plan be-
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS
4 OF SERVICE UNDER LEGACY PLANS.—

5 “(A) IN GENERAL.—In determining a
6 qualified employee’s years of service under a
7 legacy plan for purposes of this section, and in
8 addition to any service under applicable regula-
9 tions, the employee’s years of service under a
10 composite plan shall be treated as years of serv-
11 ice earned under the legacy plan. For purposes
12 of such determination, a composite plan shall
13 not be treated as a defined benefit plan pursu-
14 ant to section 437(d).

15 “(B) QUALIFIED EMPLOYEE.—For pur-
16 poses of this paragraph, an employee is a quali-
17 fied employee if the employee first completes an
18 hour of service under the composite plan (deter-
19 mined without regard to the provisions of this
20 paragraph) within the 12-month period imme-
21 diately preceding or the 24-month period imme-
22 diately following the date the employee ceased
23 to accrue benefits under the legacy plan.

24 “(C) CERTIFICATION OF YEARS OF SERV-
25 ICE.—For purposes of subparagraph (A), the

1 plan sponsor of the legacy plan shall rely on a
2 written certification by the plan sponsor of the
3 composite plan of the years of service the quali-
4 fied employee completed under the composite
5 plan after the employee satisfies the require-
6 ments of subparagraph (B), disregarding any
7 years of service that has been forfeited under
8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-
11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)
12 of the Employee Retirement Income Security
13 Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is
14 amended—

15 (i) in subclause (I) by striking
16 “4244A” and inserting “305(e), 803,”;
17 and

18 (ii) in subclause (II) by striking
19 “4245” and inserting “305(e), 4245,”.

20 (B) INTERNAL REVENUE CODE OF 1986.—
21 Section 411(a)(3)(F) of the Internal Revenue
22 Code of 1986 is amended—

23 (i) in clause (i) by striking “section
24 418D or under section 4281 of the Em-
25 ployee Retirement Income Security Act of

1 1974” and inserting “section 432(e) or
2 439 or under section 4281 of the Em-
3 ployee Retirement Income Security Act of
4 1974”; and

5 (ii) in clause (ii) by inserting “or
6 432(e)” after “section 418E”.

7 (3) ACCRUED BENEFIT REQUIREMENTS.—

8 (A) EMPLOYEE RETIREMENT INCOME SE-
9 CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)
10 of the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is
12 amended by inserting “, including an amend-
13 ment reducing or suspending benefits under
14 section 305(e), 803, 4245 or 4281,” after “any
15 amendment to the plan”.

16 (B) INTERNAL REVENUE CODE OF 1986.—
17 Section 411(b)(1)(B)(i) of the Internal Revenue
18 Code of 1986 is amended by inserting “, includ-
19 ing an amendment reducing or suspending ben-
20 efits under section 418E, 432(e) or 439, or
21 under section 4281 of the Employee Retirement
22 Income Security Act of 1974,” after “any
23 amendment to the plan”.

24 (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-
25 MENTS.—

1 (A) EMPLOYEE RETIREMENT INCOME SE-
2 CURITY ACT OF 1974.—Section 204(b)(1)(H)(v)
3 of the Employee Retirement Income Security
4 Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is
5 amended by inserting before the period at the
6 end the following: “, or benefits are reduced or
7 suspended under section 305(e), 803, 4245, or
8 4281”.

9 (B) INTERNAL REVENUE CODE OF 1986.—
10 Section 411(b)(1)(H)(iv) of the Internal Rev-
11 enue Code of 1986 is amended—

12 (i) in the heading by striking “BEN-
13 EFIT” and inserting “BENEFIT AND THE
14 SUSPENSION AND REDUCTION OF CERTAIN
15 BENEFITS”; and

16 (ii) in the text by inserting before the
17 period at the end the following: “, or bene-
18 fits are reduced or suspended under sec-
19 tion 418E, 432(e), or 439, or under sec-
20 tion 4281 of the Employee Retirement In-
21 come Security Act of 1974”.

22 (5) ACCRUED BENEFIT NOT TO BE DECREASED
23 BY AMENDMENT.—

24 (A) EMPLOYEE RETIREMENT INCOME SE-
25 CURITY ACT OF 1974.—Section 204(g)(1) of the

1 Employee Retirement Income Security Act of
2 1974 (29 U.S.C. 1053(g)(1)) is amended by in-
3 serting after “302(d)(2)” the following: “,
4 305(e), 803, 4245,”.

5 (B) INTERNAL REVENUE CODE OF 1986.—
6 Section 411(d)(6)(A) of the Internal Revenue
7 Code of 1986 is amended by inserting after
8 “412(d)(2),” the following: “418E, 432(e), or
9 439,”.

10 (g) CERTAIN FUNDING RULES NOT APPLICABLE.—

11 (1) EMPLOYEE RETIREMENT INCOME SECURITY
12 ACT OF 1974.—Section 305 of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C. 1085)
14 is amended by adding at the end the following:

15 “(k) LEGACY PLANS.—Sections 302, 304, and 305
16 shall not apply to an employer that has an obligation to
17 contribute to a plan that is a legacy plan within the mean-
18 ing of section 805(a) solely because the employer has an
19 obligation to contribute to a composite plan described in
20 section 801 that is associated with that legacy plan.”.

21 (2) INTERNAL REVENUE CODE OF 1986.—Sec-
22 tion 432 of the Internal Revenue Code of 1986 is
23 amended by adding at the end the following:

24 “(k) LEGACY PLANS.—Sections 412, 431, and 432
25 shall not apply to an employer that has an obligation to

1 contribute to a plan that is a legacy plan within the mean-
2 ing of section 440A(a) solely because the employer has an
3 obligation to contribute to a composite plan described in
4 section 437 that is associated with that legacy plan.”.

5 (h) TERMINATION OF COMPOSITE PLAN.—Section
6 403(d) of the Employee Retirement Income Security Act
7 of 1974 (29 U.S.C. 1103(d) is amended—

8 (1) in paragraph (1), by striking “regulations
9 of the Secretary.” and inserting “regulations of the
10 Secretary, or as provided in paragraph (3).”; and

11 (2) by adding at the end the following:

12 “(3) Section 4044(a) of this Act shall be ap-
13 plied in the case of the termination of a composite
14 plan by—

15 “(A) limiting the benefits subject to para-
16 graph (3) thereof to benefits as defined in sec-
17 tion 802(b)(3)(B); and

18 “(B) including in the benefits subject to
19 paragraph (4) all other benefits (if any) of indi-
20 viduals under the plan that would be guaran-
21 teed under section 4022A if the plan were sub-
22 ject to title IV.”.

23 (i) GOOD FAITH COMPLIANCE PRIOR TO GUID-
24 ANCE.—Where the implementation of any provision of law
25 added or amended by this division is subject to issuance

1 of regulations by the Secretary of Labor, the Secretary
2 of the Treasury, or the Pension Benefit Guaranty Cor-
3 poration, a multiemployer plan shall not be treated as fail-
4 ing to meet the requirements of any such provision prior
5 to the issuance of final regulations or other guidance to
6 carry out such provision if such plan is operated in accord-
7 ance with a reasonable, good faith interpretation of such
8 provision.

9 **SEC. 140006. EFFECTIVE DATE.**

10 Unless otherwise specified, the amendments made by
11 this division shall apply to plan years beginning after the
12 date of the enactment of this Act.

1 **DIVISION O—EDUCATION PROVISIONS**
2 **AND OTHER PROGRAMS**

3 **TITLE I—HIGHER EDUCATION PROVISIONS**

4 DEFINITIONS

5 SEC. 150101.

6 In this title:

7 (1) AWARD YEAR.—The term “award year” has
8 the meaning given the term in section 481(a) of the
9 Higher Education Act of 1965 (20 U.S.C. 1088(a)).

10 (2) AUTHORIZING COMMITTEES.—The term
11 “authorizing committees” has the meaning given the
12 term in section 103 of the Higher Education Act of
13 1965 (20 U.S.C. 1003).

14 (3) FAFSA.—The term “FAFSA” means an
15 application under section 483 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1090) for Federal
17 student financial aid.

18 (4) INSTITUTION OF HIGHER EDUCATION.—The
19 term “institution of higher education” has the
20 meaning given the term in section 102 of the Higher
21 Education Act of 1965 (20 U.S.C. 1002).

22 (5) QUALIFYING EMERGENCY.—The term
23 “qualifying emergency” has the meaning given the
24 term in section 3502 of the CARES Act (Public
25 Law 116–136), as amended by this Act.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 Subtitle A—CARES Act Amendments

4 APPLICATION OF WAIVER TO PARTICIPATING NONPROFIT
5 EMPLOYERS

6 SEC. 150102.

7 (a) IN GENERAL.—Section 3503 of the CARES Act
8 (Public Law 116–136) is amended—

9 (1) by redesignating subsection (b) as sub-
10 section (c); and

11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) WAIVER OF NON-FEDERAL SHARE REQUIRE-
14 MENT FOR NONPROFIT EMPLOYERS.—Notwithstanding
15 any other provision of law, with respect to funds made
16 available for award years 2019–2020 and 2020–2021, the
17 Secretary shall waive any requirement that a nonprofit
18 employer provide a non-Federal share to match Federal
19 funds provided to such nonprofit employer under an agree-
20 ment under section 443 of the Higher Education Act of
21 1965 (20 U.S.C. 1087–53).”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect as if included in the enact-
24 ment of the CARES Act (Public Law 116–136).

1 EXTENSION OF FEDERAL WORK-STUDY DURING A
2 QUALIFYING EMERGENCY
3 SEC. 150103.

4 (a) IN GENERAL.—Section 3505 of the CARES Act
5 (Public Law 116–136) is amended—

6 (1) in subsection (a)—

7 (A) by striking “(not to exceed one aca-
8 demic year)”; and

9 (B) by striking “such academic year” and
10 inserting “such period”; and

11 (2) in subsection (b)—

12 (A) in paragraph (1), by inserting “first”
13 before “occurred”; and

14 (B) in paragraph (3), by striking “for all
15 or part of such academic year”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect as if included in the enact-
18 ment of the CARES Act (Public Law 116–136).

19 CONTINUING EDUCATION AT AFFECTED FOREIGN
20 INSTITUTIONS

21 SEC. 150104.

22 (a) IN GENERAL.—Section 3510 of the CARES Act
23 (Public Law 116–136) is amended—

24 (1) in subsection (a), by striking “national
25 emergency declared” and inserting “national emer-
26 gency related to the coronavirus declared”;

1 (2) in subsection (b), by striking “qualifying
2 emergency” and inserting “emergency or disaster af-
3 fecting the institution as described in subsection
4 (a)”;

5 (3) in subsection (c), by striking “qualifying
6 emergency” and inserting “applicable emergency or
7 disaster as described in subsection (a)”;

8 (4) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “for the duration of a
11 qualifying emergency and the following
12 payment period,” and inserting “with re-
13 spect to a foreign institution, in the case of
14 a public health emergency, major disaster
15 or emergency, or national emergency re-
16 lated to the coronavirus declared by the
17 applicable government authorities in the
18 country in which the foreign institution is
19 located, or in the case of a qualifying
20 emergency,”; and

21 (ii) by inserting “, for the duration of
22 the applicable emergency or disaster and
23 the following payment period,” after
24 “1087a et seq.”; and

25 (B) in paragraph (4)—

1 (i) by striking “qualifying emergency”
2 and inserting “applicable emergency or dis-
3 aster”; and

4 (ii) by striking the period at the end
5 and inserting “, the name of the institution
6 of higher education located in the United
7 States that has entered into a written ar-
8 rangement with such foreign institution,
9 and information regarding the nature of
10 such written arrangement, including which
11 coursework or program requirements are
12 accomplished at each respective institu-
13 tion.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall take effect as if included in the enact-
16 ment of the CARES Act (Public Law 116–136).

17 FUNDING FOR HBCU CAPITAL FINANCING

18 SEC. 150105.

19 (a) IN GENERAL.—Section 3512(d) of the CARES
20 Act (Public Law 116–136) is amended by striking
21 “\$62,000,000” and inserting “such sums as may be nec-
22 essary”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect as if included in the enact-
25 ment of the CARES Act (Public Law 116–136).

1 WAIVER AUTHORITY FOR INSTITUTIONAL AID

2 SEC. 150106.

3 (a) IN GENERAL.—Section 3517(a)(1)(D) of the
4 CARES Act (Public Law 116–136) is amended by striking
5 “(b), (c), and (g)” and inserting “(b) and (c)”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect as if included in the enact-
8 ment of the CARES Act (Public Law 116–136).

9 SCOPE OF MODIFICATIONS TO REQUIRED AND

10 ALLOWABLE USES

11 SEC. 150107.

12 (a) AMENDMENT TO INCLUDE MINORITY SCIENCE
13 AND ENGINEERING IMPROVEMENT PROGRAM.—Sub-
14 section (a) of section 3518 of the CARES Act (Public Law
15 116–136) is amended—

16 (1) by striking “part A or B of title III,” and
17 inserting “part A, part B, or subpart 1 of part E
18 of title III,”; and

19 (2) by inserting “1067 et seq.,” after “1060 et
20 seq.”.

21 (b) AMENDMENT TO CLARIFY SCOPE OF AUTHOR-
22 ITY.—Section 3518 of the CARES Act (Public Law 116–
23 136) is amended by adding at the end the following new
24 subsection:

25 “(d) SCOPE OF AUTHORITY.—Notwithstanding sub-
26 section (a), the Secretary may not modify the required or

1 allowable uses of funds for grants awarded under a statu-
2 tory provision cited in subsection (a) in a manner that
3 deviates from the overall purpose of the grant program,
4 as provided in the general authorization, findings, or pur-
5 pose of the grant program under the applicable statutory
6 provision cited in such subsection.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in the enact-
9 ment of the CARES Act (Public Law 116–136).

10 Subtitle B—Financial Aid Access

11 EMERGENCY FINANCIAL AID GRANTS EXCLUDED FROM

12 NEED ANALYSIS

13 SEC. 150108.

14 (a) TREATMENT OF EMERGENCY FINANCIAL AID
15 GRANTS FOR NEED ANALYSIS.—Notwithstanding any
16 provision of the Higher Education Act of 1965 (20 U.S.C.
17 1001 et seq.), emergency financial aid grants—

18 (1) shall not be included as income or assets
19 (including untaxed income and benefits under sec-
20 tion 480(b) of the Higher Education Act of 1965
21 (20 U.S.C. 1807vv(b))) in the computation of ex-
22 pected family contribution for any program funded
23 in whole or in part under the Higher Education Act
24 of 1965 (20 U.S.C. 1001 et seq.); and

1 (2) shall not be treated as estimated financial
2 assistance for the purposes of section 471 or section
3 480(j) of the Higher Education Act of 1965 (20
4 U.S.C. 1087kk; 1087vv(j)).

5 (b) DEFINITION.—In this section, the term “emer-
6 gency financial aid grant” means—

7 (1) an emergency financial aid grant awarded
8 by an institution of higher education under section
9 3504 of the CARES Act (Public Law 116–136);

10 (2) an emergency financial aid grant from an
11 institution of higher education made with funds
12 made available under section 18004 of the CARES
13 Act (Public Law 116–136); and

14 (3) any other emergency financial aid grant to
15 a student from a Federal agency, a State, an Indian
16 tribe, an institution of higher education, or a schol-
17 arship-granting organization (including a tribal or-
18 ganization, as defined in section 4 of the Indian
19 Self-Determination and Education Assistance Act
20 (25 U.S.C. 5304)) for the purpose of providing fi-
21 nancial relief to students enrolled at institutions of
22 higher education in response to a qualifying emer-
23 gency.

24 FACILITATING ACCESS TO FINANCIAL AID FOR RECENTLY
25 UNEMPLOYED STUDENTS

26 SEC. 150109.

1 (a) TREATMENT AS DISLOCATED WORKER.—

2 (1) IN GENERAL.—Notwithstanding section
3 479(d)(1) of the Higher Education Act of 1965 (20
4 U.S.C. 1087ss(d)(1)), any individual who has ap-
5 plied for, or who is receiving, unemployment benefits
6 at the time of the submission of a FAFSA for a cov-
7 ered award year shall be treated as a dislocated
8 worker for purposes of the need analysis under part
9 F of title IV such Act (20 U.S.C. 1087kk et seq.)
10 applicable to such award year.

11 (2) INFORMATION TO APPLICANTS AND INSTI-
12 TUTIONS.—The Secretary—

13 (A) in consultation with institutions of
14 higher education, shall carry out activities to in-
15 form applicants for Federal student financial
16 aid under the Higher Education Act of 1965
17 (20 U.S.C. 1001 et seq.)—

18 (i) of the treatment of individuals who
19 have applied for, or who are receiving, un-
20 employment benefits as dislocated workers
21 under paragraph (1); and

22 (ii) of the availability of means-tested
23 Federal benefits for which such applicants
24 may be eligible;

1 (B) shall carry out activities to inform in-
2 stitutions of higher education of the authority
3 of such institutions, with explicit written con-
4 sent of an applicant for Federal student finan-
5 cial aid under the Higher Education Act of
6 1965 (20 U.S.C. 1001 et seq.), to provide infor-
7 mation collected from such applicant's FAFSA
8 to an organization assisting the applicant in ap-
9 plying for and receiving Federal, State, local, or
10 tribal assistance in accordance with section 312
11 of the Department of Defense and Labor,
12 Health and Human Services, and Education
13 Appropriations Act, 2019 and Continuing Ap-
14 propriations Act, 2019 (Public Law 115-245);
15 and

16 (C) in consultation with the Secretary of
17 Labor, shall carry out activities to inform appli-
18 cants for, and recipients of, unemployment ben-
19 efits of the availability of Federal student finan-
20 cial aid under the Higher Education Act of
21 1965 (20 U.S.C. 1001 et seq.) and the treat-
22 ment of such applicants and recipients as dis-
23 located workers under paragraph (1).

1 (3) IMPLEMENTATION.—The Secretary shall
2 implement this subsection not later than 30 days
3 after the date of enactment of this Act.

4 (4) APPLICABILITY.—Paragraph (1) shall apply
5 with respect to a FAFSA submitted on or after the
6 earlier of—

7 (A) the date on which the Secretary imple-
8 ments this subsection under paragraph (3); or

9 (B) the date that is 30 days after the date
10 of enactment of this Act.

11 (b) PROFESSIONAL JUDGMENT OF FINANCIAL AID
12 ADMINISTRATORS.—The guidance of the Secretary titled
13 “Update on the use of ‘Professional Judgment’ by Finan-
14 cial Aid Administrators” (DCL ID: GEN–09–05), as in
15 effect on May 8, 2009, shall apply—

16 (1) to the exercise of professional judgement by
17 financial aid administrators pursuant to section
18 479A of the Higher Education Act of 1965 (20
19 U.S.C. 1087tt) with respect to any FAFSA for a
20 covered award year; and

21 (2) to the selection of institutions for program
22 reviews pursuant to section 498A of the Higher
23 Education Act of 1965 (20 U.S.C. 1099c–1) for a
24 covered award year.

25 (c) DEFINITIONS.—In this section:

1 (1) COVERED AWARD YEAR.—The term “cov-
2 ered award year” means—

3 (A) an award year during which there is a
4 qualifying emergency; and

5 (B) the first award year beginning after
6 the end of such qualifying emergency.

7 (2) MEANS-TESTED FEDERAL BENEFIT.—The
8 term “means-tested Federal benefit” includes the
9 following:

10 (A) The supplemental security income pro-
11 gram under title XVI of the Social Security Act
12 (42 U.S.C. 1381 et seq.).

13 (B) The supplemental nutrition assistance
14 program under the Food and Nutrition Act of
15 2008 (7 U.S.C. 2011 et seq.).

16 (C) The free and reduced price school
17 lunch program established under the Richard
18 B. Russell National School Lunch Act (42
19 U.S.C. 1751 et seq.).

20 (D) The program of block grants for
21 States for temporary assistance for needy fami-
22 lies established under part A of title IV of the
23 Social Security Act (42 U.S.C. 601 et seq.).

24 (E) The special supplemental nutrition
25 program for women, infants, and children es-

1 tablished by section 17 of the Child Nutrition
2 Act of 1966 (42 U.S.C. 1786).

3 (F) The Medicaid program under title XIX
4 of the Social Security Act (42 U.S.C. 1396 et
5 seq.).

6 (G) The tax credits provided under the fol-
7 lowing sections of the Internal Revenue Code of
8 1986 (title 26, United States Code):

9 (i) Section 25A (relating to American
10 Opportunity and Lifetime Learning cred-
11 its).

12 (ii) Section 32 (relating to earned in-
13 come).

14 (iii) Section 36B (relating to refund-
15 able credit for coverage under a qualified
16 health plan).

17 (iv) Section 6428 (relating to 2020 re-
18 covery rebates for individuals).

19 (H) Federal housing assistance programs,
20 including tenant-based assistance under section
21 8(o) of the United States Housing Act of 1937
22 (42 U.S.C. 1437f(o)), and public housing, as
23 defined in section 3(b)(1) of such Act (42
24 U.S.C. 1437a(b)(1)).

1 (I) Such other Federal means-tested bene-
2 fits as may be identified by the Secretary.

3 STUDENT ELIGIBILITY FOR HIGHER EDUCATION EMER-
4 GENCY RELIEF FUND AND OTHER HIGHER EDU-
5 CATION FUNDS

6 SEC. 150110.

7 (a) IN GENERAL.—With respect to student eligibility
8 for receipt of funds provided under section 18004 of the
9 CARES Act (Public Law 116–136) and under title VI of
10 division A of this Act—

11 (1) the Secretary is prohibited from imposing
12 any restriction on, or defining, the populations of
13 students who may receive such funds other than a
14 restriction based solely on the student’s enrollment
15 at the institution of higher education; and

16 (2) section 401(a) the Personal Responsibility
17 and Work Opportunity Reconciliation Act of 1996 (8
18 U.S.C. 1611(a)) shall not apply.

19 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
20 fect as if included in the enactment of the CARES Act
21 (Public Law 116–136), and an institution of higher edu-
22 cation that provided funds to a student before the date
23 of enactment of this Act shall not be penalized if such
24 provision is consistent with such subsection and section
25 18004 of the CARES Act (Public Law 116–136).

1 DEFINITION OF DISTANCE EDUCATION

2 SEC. 150111.

3 (a) IN GENERAL.—Except as otherwise provided in
4 title IV of the Higher Education Act of 1965 (20 U.S.C.
5 1070 et seq.), for purposes of such title, the term “dis-
6 tance education” means education that uses technology—

7 (1) to deliver instruction to students enrolled at
8 an institution of higher education who are separated
9 from the instructor or instructors; and

10 (2) to support regular and substantive inter-
11 action between the students and the instructor or in-
12 structors, either synchronously or asynchronously.

13 (b) TECHNOLOGY.—For purposes of subsection (a),
14 the technologies that may be used to offer distance edu-
15 cation include—

16 (1) the internet;

17 (2) one-way and two-way transmissions through
18 open broadcast, closed circuit, cable, microwave,
19 broadband lines, fiber optics, satellite, or wireless
20 communications devices;

21 (3) audio conferencing; and

22 (4) other media used in a course in conjunction
23 with any of the technologies listed in paragraphs (1)
24 through (3).

1 (c) INSTRUCTOR.—For purposes of subsection (a), an
2 instructor is an individual responsible for delivering course
3 content and who meets the qualifications for instruction
4 established by the institution of higher education’s accred-
5 iting agency.

6 (d) SUBSTANTIVE INTERACTION.—For purposes of
7 subsection (a), substantive interaction is engaging stu-
8 dents in teaching, learning, and assessment, consistent
9 with the content under discussion, and also includes at
10 least two of the following:

11 (1) Providing direct instruction.

12 (2) Assessing or providing feedback on a stu-
13 dent’s coursework.

14 (3) Providing information or responding to
15 questions about the content of a course or com-
16 petency.

17 (4) Facilitating a group discussion regarding
18 the content of a course or competency.

19 (5) Other instructional activities approved by
20 the institution of higher education’s or program’s ac-
21 crediting agency.

22 (e) REGULAR INTERACTION.—For purposes of sub-
23 section (a), an institution ensures regular interaction be-
24 tween a student and an instructor or instructors by, prior
25 to the student’s completion of a course or competency—

1 (1) providing the opportunity for substantive
2 interactions with the student on a predictable and
3 regular basis commensurate with the length of time
4 and the amount of content in the course or com-
5 petency; and

6 (2) monitoring the student's academic engage-
7 ment and success and ensuring that an instructor is
8 responsible for promptly and proactively engaging in
9 substantive interaction with the student when need-
10 ed, on the basis of such monitoring, or upon request
11 by the student.

12 (f) EFFECTIVE DATE.—This section shall be effective
13 for any semester (or the equivalent) that begins on or after
14 August 15, 2020, and shall cease to be effective at the
15 end of the 2020–2021 award year.

16 INSTITUTIONAL STABILIZATION PROGRAM

17 SEC. 150112.

18 (a) AUTHORITY TO PARTICIPATE.—Notwithstanding
19 paragraph (1) or (2) of section 498(c) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1099c(c)), an eligible insti-
21 tution described in subsection (b) may, in lieu of submit-
22 ting a letter of credit in accordance with section
23 498(c)(3)(A) of such Act, submit an application under
24 subsection (c)(1) to enter into a COVID–19 provisional
25 program participation agreement in accordance with sub-

1 section (d) to provide the Secretary with satisfactory evi-
2 dence of its financial responsibility.

3 (b) ELIGIBLE INSTITUTION DESCRIBED.—An eligible
4 institution described in this subsection is a private non-
5 profit institution of higher education that—

6 (1) either—

7 (A) has a composite score of less than 1.0
8 for the institutional fiscal year ending in 2019,
9 as determined under section 668.171(b)(1) of
10 title 34, Code of Federal Regulations; or

11 (B) on the date of an application under
12 subsection (c)(1), has (or anticipates having) a
13 composite score of less than 1.0 for the institu-
14 tional fiscal year ending in 2020, as determined
15 under section 668.171(b)(1) of title 34, Code of
16 Federal Regulations;

17 (2) during award year 2018–2019—

18 (A) offered on-campus classes; and

19 (B) qualified for participation in a pro-
20 gram under title IV of the Higher Education
21 Act of 1965 (20 U.S.C. 1070 et seq.); and

22 (3) on the date of the application under sub-
23 section (c)(1), has a liquidity level of less than or
24 equal to 180 days.

25 (c) APPLICATION.—

1 (1) IN GENERAL.—An eligible institution desir-
2 ing to enter into a COVID–19 provisional program
3 participation agreement under subsection (d), shall,
4 not later than December 31, 2020, submit to the
5 Secretary an application that includes—

6 (A) the estimated liquidity level of the eli-
7 gible institution on the date of the application
8 and an assurance that such liquidity level will
9 be attested to in accordance with paragraph
10 (2);

11 (B) an assurance that such eligible institu-
12 tion will submit a record-management plan in
13 accordance with paragraph (3); and

14 (C) an assurance that such eligible institu-
15 tion will submit a teach-out plan in accordance
16 with paragraph (4); and

17 (D) an assurance that such eligible institu-
18 tion will submit reports on teach-out agree-
19 ments and sufficient progress made on such
20 agreements in accordance with subsection
21 (d)(3), as applicable.

22 (2) AUDITOR ATTESTATION.—Not later than 60
23 days after submitting an application under para-
24 graph (1), an eligible institution shall submit to the
25 Secretary an auditor attestation of the liquidity level

1 of such eligible institution on the date such institu-
2 tion submitted such application pursuant to an audit
3 conducted by a qualified independent organization or
4 person in accordance with standards established by
5 the American Institute of Certified Public Account-
6 ants.

7 (3) RECORD-MANAGEMENT PLAN.—

8 (A) IN GENERAL.—Not later than 60 days
9 after submitting an application under para-
10 graph (1), an eligible institution shall submit to
11 the Secretary a record-management plan ap-
12 proved by the accrediting agency of such eligi-
13 ble institution that includes—

14 (i) a plan for the custody, including
15 by the State authorizing agency, and the
16 disposition of—

17 (I) a teach-out plan and teach-
18 out agreement records, as applicable;
19 and

20 (II) student records, including
21 student transcripts, billing, and finan-
22 cial aid records;

23 (ii) an estimate of the costs necessary
24 to carry out such record-management plan;
25 and

1 (iii) a financial plan to provide fund-
2 ing for such costs.

3 (B) ASSURANCE.—An eligible institution
4 that submits a record-management plan under
5 subparagraph (A) shall include an assurance to
6 the Secretary that, in the case of the closure of
7 such eligible institution, such eligible institu-
8 tion—

9 (i) will release all financial holds
10 placed on student records; and

11 (ii) for the 3-year period beginning on
12 the date of the closure of such eligible in-
13 stitution, will not require a student en-
14 rolled in such eligible institution on the
15 date of such closure (and students with-
16 drawn from such eligible institution in the
17 120 days prior to such date) who requests
18 the student records of such student to pur-
19 chase such records or otherwise charge
20 such student a fee with respect to such
21 records.

22 (C) REPORT.—Not later than 60 days
23 after submitting an application under para-
24 graph (1), an eligible institution shall submit
25 the record-management plan required under

1 subparagraph (A) and the assurance under sub-
2 paragraph (B) to the accrediting agency and
3 State authorizing agency of such eligible insti-
4 tution.

5 (4) TEACH-OUT PLAN.—Not later than 60 days
6 after submitting an application under paragraph (1),
7 an eligible institution shall submit a teach-out plan
8 approved by the accrediting agency of such eligible
9 institution to the Secretary and the State author-
10 izing agency of such eligible institution.

11 (5) LETTER OF CREDIT DURING PENDING AP-
12 PLICATION.—Notwithstanding section 498(c)(3)(A)
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1099c(c)(3)(A)), the Secretary may not use the com-
15 posite score of an eligible institution (as determined
16 under section 668.171(b)(1) of title 34, Code of
17 Federal Regulations) to require the eligible institu-
18 tion to submit a new letter of credit or increase the
19 value of an existing letter of credit while the institu-
20 tion has an application pending under paragraph
21 (1).

22 (6) NOTIFICATION OF APPLICATION AND STA-
23 TUS.—The eligible institution shall notify the accred-
24 iting agency and State authorizing agency of such
25 institution—

1 (A) that the institution has submitted an
2 application under paragraph (1) to the Sec-
3 retary not later than 10 days after submitting
4 such application; and

5 (B) of the final acceptance or denial of
6 such application not later than 5 days after re-
7 ceiving a final decision from the Secretary.

8 (7) APPLICATION DECISION.—The Secretary
9 shall accept or deny an application under paragraph
10 (1) not later than 10 days after the date on which
11 an eligible institution completes all of the submission
12 requirements under paragraphs (2), (3), and (4).

13 (d) COVID–19 PROVISIONAL PROGRAM PARTICIPA-
14 TION AGREEMENT.—

15 (1) AUTHORITY TO ENTER AGREEMENT.—The
16 Secretary may enter into a COVID–19 provisional
17 program participation agreement under this sub-
18 section with an eligible institution that submits an
19 application under subsection (c)(1) on or before De-
20 cember 31, 2020, only if the Secretary has re-
21 ceived—

22 (A) an auditor attestation under subsection
23 (c)(2) that such eligible institution has a liquid-
24 ity level of less than or equal to 180 days on

1 the date of the application of such eligible insti-
2 tution under subsection (c)(1);

3 (B) a record-management plan with re-
4 spect to such eligible institution in accordance
5 with subsection (c)(3); and

6 (C) a teach-out plan with respect to such
7 eligible institution in accordance with sub-
8 section (c)(4).

9 (2) PARTICIPATION REQUIREMENTS.—In enter-
10 ing into a COVID–19 provisional program participa-
11 tion agreement with an eligible institution under this
12 subsection, the Secretary shall require such eligible
13 institution—

14 (A) if such eligible institution has a liquid-
15 ity level of less than or equal to 90 days on the
16 date of the application of such eligible institu-
17 tion under subsection (c)(1), to submit a teach-
18 out agreement (or teach-out agreements, as ap-
19 plicable) to the Secretary and to the accrediting
20 agency and State authorizing agency of the in-
21 stitution in accordance with paragraph (3);

22 (B) to report to the Secretary in accord-
23 ance with paragraph (4);

24 (C) to meet the administrative capacity re-
25 quirements under section 498(d) of the Higher

1 Education Act of 1965 (20 U.S.C. 1099c(d));
2 and

3 (D) to meet the cash reserves requirements
4 under section 498(c)(6)(A) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1099c(c)(6)(A)).

6 (3) TEACH-OUT AGREEMENTS.—

7 (A) SUFFICIENT PROGRESS.—Not later
8 than 30 days after the date on which an eligible
9 institution described in paragraph (2)(A) enters
10 into a COVID–19 provisional program partici-
11 pation agreement under this subsection, such
12 eligible institution shall submit to the Secretary
13 an interim teach-out agreement that provides
14 for the equitable treatment of at least 75 per-
15 cent of enrolled students and a reasonable op-
16 portunity for such students to complete their
17 program of study.

18 (B) ADDENDUM REPORTS.—Not later than
19 15 days after the date on which an eligible in-
20 stitution submits an interim teach-out agree-
21 ment in accordance with subparagraph (A), and
22 every 15 days thereafter, such eligible institu-
23 tion shall submit to the Secretary a report that
24 includes—

1 (i) the percentage of students enrolled
2 in such eligible institution that are covered
3 by a teach-out agreement;

4 (ii) the increase in the percentage of
5 students covered by such an agreement, as
6 compared to the most recently submitted
7 report; and

8 (iii) such other information as the
9 Secretary or accrediting agency of the eli-
10 gible institution may require, including the
11 progress of such eligible institution in
12 meeting any benchmarks set by such ac-
13 crediting agency related to the percentage
14 of students that should be covered by such
15 an agreement.

16 (C) TEACH-OUT AGREEMENT REQUIRED.—

17 On the date agreed to by the eligible institution,
18 the accrediting agency of such eligible institu-
19 tion, and the Secretary under a COVID-19
20 provisional program participation agreement
21 under this subsection, such eligible institution
22 shall submit to the Secretary and to the accred-
23 iting agency and State authorizing agency of
24 the institution a teach-out agreement (or agree-
25 ments, as applicable) that—

1 (i) provides for the equitable treat-
2 ment of all enrolled students and a reason-
3 able opportunity for such students to com-
4 plete their program of study;

5 (ii) includes—

6 (I) a list of all students enrolled
7 in such eligible institution on the date
8 such eligible institution submitted an
9 application under subsection (c)(1)
10 (and students withdrawn from such
11 eligible institution in the 120 days
12 prior to such date), including the
13 name, contact information, program
14 of study, program requirements com-
15 pleted, and estimated date of program
16 completion of each such student;

17 (II) the amount of any unearned
18 tuition, account balances, student
19 fees, and refunds due to each such
20 student;

21 (III) a plan to notify each such
22 student, in the case of the closure of
23 such eligible institution, of—

24 (aa) the process for obtain-
25 ing a closed school discharge

1371

1 under section 437(c)(1) of the
2 Higher Education Act of 1965
3 (20 U.S.C. 1087(c)(1)), using
4 standard language developed by
5 the Secretary under subsection
6 (f), and the benefits and con-
7 sequences of such discharge;

8 (bb) if applicable, informa-
9 tion on institutional and State
10 refund policies;

11 (cc) the teach-out institution
12 or institutions available to enroll
13 such student;

14 (dd) the tuition and fees of
15 the educational program offered
16 by each such teach-out institution
17 and the number and types of
18 credit each such teach-out insti-
19 tution will accept prior to the en-
20 rollment of such student; and

21 (ee) the record-management
22 plan submitted in accordance
23 with subsection (c)(3).

24 (D) DECREASE IN LIQUIDITY.—In the case
25 of an eligible institution that enters into a

1 COVID–19 provisional program participation
2 agreement under this subsection and has a li-
3 quidity level of greater than 90 days on the
4 date of the application of such eligible institu-
5 tion under subsection (c)(1), if the Secretary
6 determines such eligible institution has declined
7 such that the liquidity level of such eligible in-
8 stitution is consistently less than or equal to 90
9 days, the Secretary may require such eligible in-
10 stitution to submit a teach-out agreement (or
11 agreements, as applicable) to the Secretary in
12 accordance with subparagraph (C).

13 (4) REPORTING REQUIREMENTS.—

14 (A) ELIGIBLE INSTITUTIONS WITH A LI-
15 QUIDITY LEVEL OF LESS THAN OR EQUAL TO 90
16 DAYS.—In the case of an eligible institution de-
17 scribed in paragraph (2)(A), the Secretary shall
18 require such eligible institution to report to the
19 Secretary the liquidity level and total student
20 enrollment of such eligible institution not less
21 than once every 15 days, until such eligible in-
22 stitution closes or no longer participates in a
23 COVID–19 provisional program participation
24 agreement under this subsection.

1 (B) ELIGIBLE INSTITUTIONS WITH A LI-
2 QUIDITY LEVEL OF GREATER THAN 90 DAYS.—
3 In the case of an eligible institution that enters
4 into a COVID–19 provisional program partici-
5 pation agreement under this subsection and has
6 a liquidity level of greater than 90 days on the
7 date of the application of such eligible institu-
8 tion under subsection (c)(1), the Secretary shall
9 require such eligible institution to report to the
10 Secretary the liquidity level and total student
11 enrollment of such eligible institution not less
12 than once every 30 days, until such eligible in-
13 stitution closes or no longer participates in a
14 COVID–19 provisional program participation
15 agreement under this subsection.

16 (C) ALL ELIGIBLE INSTITUTIONS.—All eli-
17 gible institutions that enter into a COVID–19
18 provisional program participation agreement
19 under this subsection shall comply with the re-
20 porting requirements under paragraph (2) of
21 section 668.175(d) of title 34, Code of Federal
22 Regulations (as such paragraph is in effect on
23 the date of enactment of this section).

24 (5) LETTER OF CREDIT DURING AGREEMENT.—
25 The Secretary may not require an eligible institution

1 that enters into a COVID–19 provisional program
2 participation agreement under this subsection to
3 submit a new letter of credit or increase the value
4 of an existing letter of credit for the duration of the
5 agreement.

6 (6) DURATION OF AGREEMENT.—A COVID–19
7 provisional program participation agreement under
8 this subsection may only be entered into for a period
9 less than or equal to the period—

10 (A) beginning on the first date of the
11 agreement; and

12 (B) ending on the last day of the first full
13 award year that begins after the date described
14 in subparagraph (A).

15 (7) RENEWAL.—

16 (A) IN GENERAL.—A COVID–19 provi-
17 sional program participation agreement under
18 this subsection may be renewed for 1 award
19 year subsequent to the award year described in
20 paragraph (6)(B), and shall expire no later
21 than June 30, 2022.

22 (B) AUTHORITY TO EXTEND RENEWAL PE-
23 RIOD.—Notwithstanding subparagraph (A), if
24 the Secretary determines that an extension of
25 renewal authority is in the best interest of the

1 eligible institutions with a COVID–19 provi-
2 sional program participation agreement under
3 this subsection, the Secretary may permit
4 COVID–19 provisional program participation
5 agreement under this subsection to be renewed,
6 on an annual basis, for not more than 3 total
7 consecutive award years subsequent to the
8 award year described in paragraph (6)(B), pro-
9 vided that no agreement under this subsection
10 shall expire later than June 30, 2024.

11 (C) RECALCULATION OF LIQUIDITY.—An
12 eligible institution desiring to renew a COVID–
13 19 provisional program participation agreement
14 shall—

15 (i) submit to the Secretary the liquid-
16 ity level of the institution on the last day
17 of the most recent fiscal year of the eligible
18 institution, to be used for purposes of such
19 an agreement; and

20 (ii) not later than 60 days after sub-
21 mitting such liquidity level under clause
22 (i), have such liquidity level attested to in
23 accordance with subsection (c)(2).

24 (8) DISCONTINUATION OF AGREEMENT.—The
25 participation of an eligible institution in a COVID–

1 19 provisional program participation agreement
2 under this subsection—

3 (A) may be discontinued at any time at the
4 request of the eligible institution;

5 (B) shall be discontinued by the Secretary
6 if such eligible institution receives a composite
7 score of 1.0 or greater for the most recent insti-
8 tutional fiscal year, as determined under section
9 668.171(b)(1) of title 34, Code of Federal Reg-
10 ulations; and

11 (C) shall have no affect on the eligibility of
12 the institution to participate in a program par-
13 ticipation agreement under section 487(a) of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1094) after the COVID–19 provisional program
16 participation agreement under this subsection
17 has expired or been discontinued.

18 (9) GRANTS TO PARTICIPATING INSTITU-
19 TIONS.—From the amounts authorized to be avail-
20 able, subject to appropriation, under subsection (j),
21 the Secretary may award a grant to an eligible insti-
22 tution that enters into a COVID–19 provisional pro-
23 gram participation agreement under this subsection
24 to carry out the requirements of such agreement and

1 provide for the increased economic stability of such
2 eligible institution.

3 (10) REGULATORY AUTHORITY.—Except as
4 otherwise provided in this subsection, the Secretary
5 shall have the same authority with respect to a
6 COVID–19 provisional program participation agree-
7 ment under this subsection as the Secretary has
8 with respect to a program participation agreement
9 under subparagraphs (B), (F), and (G) of section
10 487(c)(1) (20 U.S.C. 1099(c)(1)).

11 (e) PARTICIPATION IN TITLE IV PROGRAM.—An eli-
12 gible institution that enters into a COVID–19 provisional
13 program participation agreement under subsection (d)
14 may participate in programs under title IV of the Higher
15 Education Act of 1965 (20 U.S.C. 1070 et seq.) only if
16 such eligible institution submits to the Secretary (and the
17 accrediting agency of such eligible institution, as applica-
18 ble) the agreements and reports applicable to such eligible
19 institution under paragraphs (3) and (4) of subsection (d).

20 (f) STANDARD LANGUAGE.—Not later than 30 days
21 after the date of the enactment of this section, the Sec-
22 retary shall publish standard language relating to closed
23 school discharges for purposes of subsection
24 (d)(3)(C)(ii)(III)(aa).

1 (g) REPORTS TO CONGRESS.—Not later than 90 days
2 after the date of the enactment of this section and every
3 90 days thereafter until the date on which every COVID–
4 19 provisional program participation agreement under this
5 subsection has expired or been terminated, or until June
6 30, 2024, whichever is earlier, the Secretary shall submit
7 to the authorizing committees a report that includes a
8 summary of each COVID–19 provisional program partici-
9 pation agreement entered into or renewed in the preceding
10 90 days by the Secretary under this section, including the
11 name, total student enrollment, and liquidity level of the
12 institution.

13 (h) AUTOMATIC CLOSED SCHOOL DISCHARGE.—

14 (1) AUTOMATIC DISCHARGE REQUIRED.—With
15 respect to a borrower described in paragraph (2),
16 the Secretary shall, without any further action by
17 the borrower, discharge the liability of the borrower
18 with respect to each of the borrower’s loans (includ-
19 ing the interest and collection fees) described in
20 paragraph (2)(A) in accordance with this subsection.

21 (2) BORROWER REQUIREMENTS.—A borrower
22 described in this subparagraph is a borrower who—

23 (A) was enrolled for a period of enrollment
24 at an eligible institution that was participating

1 in a COVID–19 provisional program participa-
2 tion agreement under subsection (d), and—

3 (i) was unable to complete such period
4 of enrollment due to the closure of the in-
5 stitution; or

6 (ii) withdrew from the eligible institu-
7 tion—

8 (I) not more than 120 days be-
9 fore the closure of the eligible institu-
10 tion; or

11 (II) if the Secretary determines
12 an extension of the 120-day period de-
13 scribed in subclause (I) is necessary
14 due to exceptional circumstances re-
15 lated to the closure of the institution,
16 during the extended period deter-
17 mined by the Secretary;

18 (B) has one or more loans—

19 (i) made under title IV of the Higher
20 Education Act of 1965 (20 U.S.C. 1070 et
21 seq.) for a program of study at the eligible
22 institution described in subparagraph (A);
23 and

24 (ii) that have not been discharged by
25 the Secretary pursuant to section

1 437(c)(1) or section 464(g)(1) of the High-
2 er Education Act of 1965 (20 U.S.C.
3 1087(c)(1); 1087dd(g)(1)); and

4 (C) during the 3-year period beginning on
5 the date of the closure of the eligible institution
6 described in subparagraph (A), has not enrolled
7 in any institution of higher education that par-
8 ticipates in a program under title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070
10 et seq.).

11 (3) REPORT.—Beginning on the date that is 3
12 years after the date of enactment of this Act and
13 every 180 days thereafter, the Secretary shall report
14 to the authorizing committees the number of loans
15 discharged in accordance with this subsection, and
16 any amounts recovered by the Secretary in accord-
17 ance with the authority of the Secretary to pursue
18 claims under section 437(c)(1) or section 464(g)(1)
19 of the Higher Education Act of 1965 (20 U.S.C.
20 1087(c)(1); 1087dd(g)(1)).

21 (i) DEFINITIONS.—In this section:

22 (1) LIQUIDITY LEVEL.—The term “liquidity
23 level” means, with respect to an eligible institution,
24 the number of days such eligible institution can op-
25 erate based on available resources, as determined in

1 accordance with the Financial Accounting Standards
2 Board update entitled “No. 2016–14 Not-for-Profit
3 Entities (Topic 958)” and dated August, 2016.

4 (2) TEACH-OUT AGREEMENT.—The term
5 “teach-out agreement” means a written agreement
6 between an eligible institution and one or more
7 teach-out institutions that is in accordance with the
8 requirements in section 496(c)(6) of the Higher
9 Education Act of 1965 (20 U.S.C. 1099b(c)(6)) and
10 that provides for the equitable treatment of students
11 and a reasonable opportunity for students to com-
12 plete their program of study if such eligible institu-
13 tion, or an institutional location that provides 100
14 percent of at least one program offered by such eli-
15 gible institution, ceases to operate or plans to cease
16 operations before all such enrolled students have
17 completed their program of study.

18 (3) TEACH-OUT INSTITUTION.—The term
19 “teach-out institution” means an institution of high-
20 er education that—

21 (A) is not subject to a COVID–19 provi-
22 sional program participation agreement under
23 this section;

24 (B) shows no evidence of significant prob-
25 lems (including financial responsibility or ad-

1 ministrative capability) that affect, as deter-
2 mined by the Secretary, the institution's ability
3 to administer a program under title IV of the
4 Higher Education Act of 1965 (20 U.S.C. 1070
5 et seq.);

6 (C) is not required to pay any material
7 debt, as determined by the Secretary, or incur
8 any material liability, as determined by the Sec-
9 retary, arising from a judgment in a judicial
10 proceeding, an administrative proceeding or de-
11 termination, or settlement;

12 (D) is not involved in a lawsuit by a Fed-
13 eral or State authority for financial relief on
14 claims related to the making of loans under
15 part D of title IV of the Higher Education Act
16 of 1965 (20 U.S.C. 1087a et seq.);

17 (E) has the necessary experience, re-
18 sources, and capacity, including support serv-
19 ices, to enroll students and provide an edu-
20 cational program of acceptable quality that is
21 reasonably similar in content and delivery, and
22 to the extent practicable, scheduling, to that
23 provided by the eligible institution that enters
24 into an agreement with such teach-out institu-
25 tion; and

1 (F) during the five most recent award
2 years, has not been subject to a denial, with-
3 drawal, suspension, or termination of accredita-
4 tion by an accrediting agency or association rec-
5 ognized by the Secretary.

6 (4) TEACH-OUT PLAN.—The term “teach-out
7 plan” means a written plan developed by an eligible
8 institution that provides for the equitable treatment
9 of students if such eligible institution, or an institu-
10 tional location that provides 100 percent of at least
11 one program offered by the eligible institution,
12 ceases to operate or plans to cease operations before
13 all enrolled students have completed their program
14 of study.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$300,000,000 to carry out
17 subsection (d)(9).

18 Subtitle C—Federal Student Loan Relief
19 PART A—TEMPORARY RELIEF FOR FEDERAL
20 STUDENT BORROWERS UNDER THE CARES ACT
21 EXPANDING LOAN RELIEF TO ALL FEDERAL STUDENT
22 LOAN BORROWERS
23 SEC. 150113.

1 Section 3502(a) of division A of the Coronavirus Aid,
2 Relief, and Economic Security Act (Public Law 116–136)
3 is amended—

4 (1) by redesignating paragraphs (2) through
5 (5) as paragraphs (3) through (6), respectively; and

6 (2) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) FEDERAL STUDENT LOAN.—The term
9 ‘Federal student loan’ means a loan—

10 “(A) made under part D, part B, or part
11 E of title IV of the Higher Education Act of
12 1965 (20 U.S.C. 1070 et seq.), and held by the
13 Department of Education;

14 “(B) made, insured, or guaranteed under
15 part B of such title, or made under part E of
16 such title, and not held by the Department of
17 Education; or

18 “(C) made under—

19 “(i) subpart II of part A of title VII
20 of the Public Health Service Act (42
21 U.S.C. 292q et seq.); or

22 “(ii) part E of title VIII of the Public
23 Health Service Act (42 U.S.C. 297a et
24 seq.).”.

1 EXTENDING THE LENGTH OF BORROWER RELIEF DUE TO
2 THE CORONAVIRUS EMERGENCY
3 SEC. 150114.

4 Section 3513 of division A of the Coronavirus Aid,
5 Relief, and Economic Security Act (Public Law 116–136)
6 is amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) SUSPENSION OF PAYMENTS.—

10 “(1) IN GENERAL.—During the period begin-
11 ning on March 13, 2020, and ending on September
12 30, 2021, the Secretary or, as applicable, the Sec-
13 retary of Health and Human Services, shall suspend
14 all payments due on Federal student loans.

15 “(2) TRANSITION PERIOD.—For one additional
16 30-day period beginning on the day after the last
17 day of the suspension period described in subsection
18 (a), the Secretary or, as applicable, the Secretary of
19 Health and Human Services, shall ensure that any
20 missed payments on a Federal student loan by a
21 borrower during such additional 30-day period—

22 “(A) do not result in collection fees or pen-
23 alties associated with late payments; and

1 “(B) are not reported to any consumer re-
2 porting agency or otherwise impact the bor-
3 rower’s credit history.

4 “(3) PAYMENT REFUND IN LIEU OF RETRO-
5 ACTIVE APPLICABILITY.—

6 “(A) IN GENERAL.—By not later than 60
7 days after the date of enactment of the HE-
8 ROES Act, the Secretary or, as applicable, the
9 Secretary of Health and Human Services, shall,
10 for each Federal student loan defined in sub-
11 paragraph (B) or (C) of section 3502(a)(2)—

12 “(i) determine the amount of principal
13 due on such loan (or that would have been
14 due in the absence of being voluntarily
15 paid by the holder of such loan) during the
16 period beginning March 13, 2020, and
17 ending on such date of enactment; and

18 “(ii) refund the amount of principal
19 calculated under subparagraph (A), by—

20 “(I) paying the holder of the loan
21 the amount of the principal calculated
22 under subparagraph (A), to be applied
23 to the loan balance for the borrower
24 of such loan; or

1 “(II) if there is no outstanding
2 balance or payment due on the loan
3 as of the date on which the refund is
4 to be provided, providing a payment
5 in the amount of the principal cal-
6 culated under subparagraph (A) di-
7 rectly to the borrower.

8 “(B) PRINCIPAL.—In this paragraph, the
9 term ‘principal’ includes any late charges or
10 fees.

11 “(4) RECERTIFICATION.—A borrower who is re-
12 paying a Federal student loan pursuant to in an in-
13 come-contingent repayment plan under section
14 455(d)(1)(D) of the Higher Education Act of 1965
15 (20 U.S.C. 1087e(d)(1)(D)) or an income-based re-
16 payment plan under section 493C of such Act (20
17 U.S.C. 1098e) shall not be required to recertify the
18 income or family size of the borrower under such
19 plan prior to December 31, 2021.”;

20 (2) in subsection (c), by striking “part D or B
21 of title IV of the Higher Education Act of 1965 (20
22 U.S.C. 1087a et seq.; 1071 et seq.)” and inserting
23 “part B, D, or E of title IV of the Higher Education
24 Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.;
25 1087aa et seq.)”;

1 (3) in subsection (d), by striking “During the
2 period in which the Secretary suspends payments on
3 a loan under subsection (a), the Secretary” and in-
4 serting “During the period in which payments on a
5 Federal student loan are suspended under subsection
6 (a), the Secretary or, as applicable, the Secretary of
7 Health and Human Services”;

8 (4) in subsection (e), by striking “During the
9 period in which the Secretary suspends payments on
10 a loan under subsection (a), the Secretary” and in-
11 serting “During the period in which payments on a
12 Federal student loan are suspended under subsection
13 (a), the Secretary or, as applicable, the Secretary of
14 Health and Human Services”; and

15 (5) in subsection (f), by striking “the Sec-
16 retary” and inserting “the Secretary or, as applica-
17 ble, the Secretary of Health and Human Services.”.

18 NO INTEREST ACCRUAL

19 SEC. 150115.

20 Section 3513(b) of division A of the Coronavirus Aid,
21 Relief, and Economic Security Act (Public Law 116–136)
22 is amended to read as follows:

23 “(b) PROVIDING INTEREST RELIEF.—

24 “(1) NO ACCRUAL OF INTEREST.—

25 “(A) IN GENERAL.—During the period de-
26 scribed in subparagraph (D), interest on a Fed-

1 eral student loan shall not accrue or shall be
2 paid by the Secretary (or the Secretary of
3 Health and Human Services) during—

4 “(i) the repayment period of such
5 loan;

6 “(ii) any period excluded from the re-
7 payment period of such loan (including any
8 period of deferment or forbearance);

9 “(iii) any period in which the bor-
10 rower of such loan is in a grace period; or

11 “(iv) any period in which the borrower
12 of such loan is in default on such loan.

13 “(B) DIRECT LOANS AND DEPARTMENT OF
14 EDUCATION HELD FFEL AND PERKINS
15 LOANS.—For purposes of subparagraph (A), in-
16 terest shall not accrue on a Federal student
17 loan described in section 3502(a)(2)(A).

18 “(C) FFEL AND PERKINS LOANS NOT
19 HELD BY THE DEPARTMENT OF EDUCATION
20 AND HHS LOANS.—For purposes of subpara-
21 graph (A)—

22 “(i) in the case of a Federal student
23 loan defined in section 3502(a)(2)(B), the
24 Secretary shall pay, on a monthly basis,
25 the amount of interest due on the unpaid

1 principal of such loan to the holder of such
2 loan, except that any payments made
3 under this clause shall not affect payment
4 calculations under section 438 of the High-
5 er Education Act of 1965 (20 U.S.C.
6 1087–1); and

7 “(ii) in the case of a Federal student
8 loan defined in section 3502(a)(2)(C), the
9 Secretary of Health and Human Services
10 shall pay, on a monthly basis, the amount
11 of interest due on the unpaid principal of
12 such loan to the holder of such loan.

13 “(D) PERIOD DESCRIBED.—

14 “(i) IN GENERAL.—The period de-
15 scribed in this clause is the period begin-
16 ning on March 13, 2020, and ending on
17 the later of—

18 “(I) September 30, 2021; or

19 “(II) the day following the date
20 of enactment of the HEROES Act
21 that is 2 months after the national U-
22 5 measure of labor underutilization
23 shows initial signs of recovery.

24 “(ii) DEFINITIONS.—In this subpara-
25 graph:

1 “(I) NATIONAL U–5 MEASURE OF
2 LABOR UNDERUTILIZATION.—The
3 term ‘national U–5 measure of labor
4 underutilization’ means the season-
5 ally-adjusted, monthly U–5 measure
6 of labor underutilization published by
7 the Bureau of Labor Statistics.

8 “(II) INITIAL SIGNS OF RECOV-
9 ERY.—The term ‘initial signs of recov-
10 ery’ means that the average national
11 U–5 measure of labor underutilization
12 for months in the most recent 3-con-
13 secutive-month period for which data
14 are available—

15 “(aa) is lower than the high-
16 est value of the average national
17 U–5 measure of labor under-
18 tilization for a 3-consecutive-
19 month period during the period
20 beginning in March 2020 and the
21 most recent month for which
22 data from the Bureau of Labor
23 Statistics are available by an
24 amount that is equal to or great-

1 er than one-third of the dif-
2 ference between—

3 “(AA) the highest value
4 of the average national U–5
5 measure of labor under-
6 utilization for a 3-consecu-
7 tive-month period during
8 such period; and

9 “(BB) the value of the
10 average national U–5 meas-
11 ure of labor underutilization
12 for the 3-consecutive-month
13 period ending in February
14 2020; and

15 “(bb) has decreased for each
16 month during the most recent 2
17 consecutive months for which
18 data from the Bureau of Labor
19 Statistics are available.

20 “(E) OTHER DEFINITIONS.—In this para-
21 graph:

22 “(i) DEFAULT.—The term ‘default’—
23 “(I) in the case of a Federal stu-
24 dent loan made, insured, or guaran-
25 teed under part B or D of the Higher

1 Education Act of 1965, has the mean-
2 ing given such term in section 435(l)
3 of the Higher Education Act of 1965
4 (20 U.S.C. 1085);

5 “(II) in the case of a Federal
6 student loan made under part E of
7 the Higher Education Act of 1965,
8 has the meaning given such term in
9 section 674.2 of title 34, Code of Fed-
10 eral Regulations (or successor regula-
11 tions); or

12 “(III) in the case of a Federal
13 student loan defined in section
14 3502(a)(2)(C), has the meaning given
15 such term in section 721 or 835 of
16 the Public Health Service Act (42
17 U.S.C. 292q, 297a), as applicable.

18 “(ii) GRACE PERIOD.—The term
19 ‘grace period’ means—

20 “(I) in the case of a Federal stu-
21 dent loan made, insured, or guaran-
22 teed under part B or D of the Higher
23 Education Act of 1965, the 6-month
24 period after the date the student
25 ceases to carry at least one-half the

1 normal full-time academic workload,
2 as described in section 428(b)(7) of
3 the Higher Education Act of 1965 (20
4 U.S.C. 1078(b)(7));

5 “(II) in the case of a Federal
6 student loan made under part E of
7 the Higher Education Act of 1965,
8 the 9-month period after the date on
9 which a student ceases to carry at
10 least one-half the normal full-time
11 academic workload, as described in
12 section 464(c)(1)(A) of the Higher
13 Education Act of 1965 (20 U.S.C.
14 1087dd(c)(1)(A)); and

15 “(III) in the case of a Federal
16 student loan defined in section
17 3502(a)(2)(C), the 1-year period de-
18 scribed in section 722(c) of the Public
19 Health Service Act (42 U.S.C.
20 292r(c)) or the 9-month period de-
21 scribed in section 836(b)(2) of such
22 Act (42 U.S.C. 297b(b)(2)), as appli-
23 cable.

24 “(iii) REPAYMENT PERIOD.—The
25 term ‘repayment period’ means—

1 “(I) in the case of a Federal stu-
2 dent loan made, insured, or guaran-
3 teed under part B or D of the Higher
4 Education Act of 1965, the repayment
5 period described in section 428(b)(7)
6 of the Higher Education Act of 1965
7 (20 U.S.C. 1078(b)(7));

8 “(II) in the case of a Federal
9 student loan made under part E of
10 the Higher Education Act of 1965,
11 the repayment period described in sec-
12 tion 464(c)(4) of the Higher Edu-
13 cation Act of 1965 (20 U.S.C.
14 1087dd(c)(4)); or

15 “(III) in the case of a Federal
16 student loan defined in section
17 3502(2)(C), the repayment period de-
18 scribed in section 722(c) or 836(b)(2)
19 of the Public Health Service Act (42
20 U.S.C. 292r(e), 297b(b)(2)), as appli-
21 cable.

22 “(2) INTEREST REFUND IN LIEU OF RETRO-
23 ACTIVE APPLICABILITY.—By not later than 60 days
24 after the date of enactment of the HEROES Act,
25 the Secretary or, as applicable, the Secretary of

1 Health and Human Services, shall, for each Federal
2 student loan defined in subparagraph (B) or (C) of
3 section 3502(a)(2)—

4 “(A) determine the amount of interest due
5 (or that would have been due in the absence of
6 being voluntarily paid by the holder of such
7 loan) on such loan during the period beginning
8 March 13, 2020, and ending on such date of
9 enactment; and

10 “(B) refund the amount of interest cal-
11 culated under clause (i), by—

12 “(i) paying the holder of the loan the
13 amount of the interest calculated under
14 subparagraph (A), to be applied to the
15 loan balance for the borrower of such loan;
16 or

17 “(ii) if there is no outstanding balance
18 or payment due on the loan as of the date
19 on which the refund is to be provided, pro-
20 viding a payment in the amount of the in-
21 terest calculated under clause (i) directly
22 to the borrower.

23 “(3) SUSPENSION OF INTEREST CAPITALIZA-
24 TION.—

1 “(A) IN GENERAL.—With respect to any
2 Federal student loan, interest that accrued but
3 had not been paid prior to March 13, 2020, and
4 had not been capitalized as of such date, shall
5 not be capitalized.

6 “(B) TRANSITION.—The Secretary or, as
7 applicable, the Secretary of Health and Human
8 Services, shall ensure that any interest on a
9 Federal student loan that had been capitalized
10 in violation of subparagraph (A) is corrected
11 and the balance of principal and interest due
12 for the Federal student loan is adjusted accord-
13 ingly.”.

14 NOTICE TO BORROWERS

15 SEC. 150116.

16 Section 3513(g) of division A of the Coronavirus Aid,
17 Relief, and Economic Security Act (Public Law 116–136)
18 is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “the Secretary” and inserting “the Sec-
21 retary or, as applicable, the Secretary of Health and
22 Human Services,”;

23 (2) in paragraph (1)(D), by striking the period
24 and inserting a semicolon;

25 (3) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “August 1, 2020” and insert-
3 ing “August 1, 2021”; and

4 (B) by amending subparagraph (B) to read
5 as follows:

6 “(B) that—

7 “(i) a borrower of a Federal student
8 loan made, insured, or guaranteed under
9 part B or D of title IV of the Higher Edu-
10 cation Act of 1965 may be eligible to enroll
11 in an income-contingent repayment plan
12 under section 455(d)(1)(D) of the Higher
13 Education Act of 1965 (20 U.S.C.
14 1087e(d)(1)(D)) or an income-based repay-
15 ment plan under section 493C of such Act
16 (20 U.S.C. 1098e), including a brief de-
17 scription of such repayment plans; and

18 “(ii) in the case of a borrower of a
19 Federal student loan defined in section
20 3502(a)(2)(C) or made under part E of
21 title IV of the Higher Education of 1965,
22 the borrower may be eligible to enroll in
23 such a repayment plan if the borrower con-
24 solidates such loan with a loan described in
25 clause (i) of this subparagraph, and re-

1 ceives a Federal Direct Consolidation Loan
2 under part D of the Higher Education of
3 1965 (20 U.S.C. 1087a et seq.); and”; and
4 (C) by adding at the end the following:

5 “(3) in a case in which the accrual of interest
6 on Federal student loans is suspended under sub-
7 section (b)(1) beyond September 30, 2021, during
8 the 2-month period beginning on the date on which
9 the national U–5 measure of labor underutilization
10 shows initial signs of recovery (as such terms are de-
11 fined in subsection (b)(1)(D)) carry out a program
12 to provide not less than 6 notices by postal mail,
13 telephone, or electronic communication to bor-
14 rowers—

15 “(A) indicating when the interest on Fed-
16 eral student loans of the borrower will resume
17 accrual and capitalization; and

18 “(B) the information described in para-
19 graph (2)(B).”.

20 WRITING DOWN BALANCES FOR FEDERAL STUDENT LOAN
21 BORROWERS

22 SEC. 150117.

23 Section 3513 of division A of the Coronavirus Aid,
24 Relief, and Economic Security Act (Public Law 116–136),
25 as amended by this part, is further amended by adding
26 at the end the following:

1 “(h) WRITING DOWN BALANCES FOR FEDERAL STU-
2 DENT LOAN BORROWERS.—

3 “(1) IN GENERAL.—Not later than 30 days
4 after the date of enactment of the HEROES Act,
5 the Secretary shall cancel or repay an amount on
6 the outstanding balance due (including the unpaid
7 principal amount, any accrued interest, and any fees
8 or charges) on the Federal student loans defined in
9 subparagraphs (A) and (B) of section 3502(a)(2) of
10 a borrower that is equal to the lesser of—

11 “(A) \$10,000; or

12 “(B) the total outstanding balance due on
13 such loans of the borrower.

14 “(2) APPLICATION.—Unless otherwise re-
15 quested by the borrower in writing, a cancellation or
16 repayment under paragraph (1) shall be applied —

17 “(A) in the case of a borrower whose loans
18 have different applicable rates of interest, first
19 toward the outstanding balance due on the loan
20 with the highest applicable rate of interest
21 among such loans; and

22 “(B) in the case of a borrower of loans
23 that have the same applicable rates of interest,
24 first toward the outstanding balance of prin-

1 ciproal due on the loan with the highest principal
2 balance among such loans.

3 “(3) DATA TO IMPLEMENT.—Contractors of the
4 Secretary, and holders of Federal student loans,
5 shall report, to the satisfaction of the Secretary the
6 information necessary to carry out this subsection.

7 “(4) TAXATION.—For purposes of the Internal
8 Revenue Code of 1986, in the case of any cancella-
9 tion or repayment of indebtedness under this sub-
10 section with respect to any borrower:

11 “(A) EXCLUSION FROM GROSS INCOME.—
12 No amount shall be included in the gross in-
13 come of such borrower by reason of such can-
14 cellation or repayment.

15 “(B) WAIVER OF INFORMATION REPORT-
16 ING REQUIREMENTS.—Amounts excluded from
17 gross income under subparagraph (A) shall not
18 be required to be reported (and shall not be
19 taken into account in determining whether any
20 reporting requirement applies) under chapter
21 61 of such Code.”.

22 IMPLEMENTATION

23 SEC. 150118.

24 Section 3513 of division A of the Coronavirus Aid,
25 Relief, and Economic Security Act (Public Law 116–136),

1 as amended by this part, is further amended by adding
2 at the end the following:

3 “(i) IMPLEMENTATION.—

4 “(1) INFORMATION VERIFICATION.—

5 “(A) IN GENERAL.—To facilitate imple-
6 mentation of this section, information for the
7 purposes described in subparagraph (B), shall
8 be reported—

9 “(i) by the holders of Federal student
10 loans defined in section 3502(a)(2)(B) to
11 the satisfaction of the Secretary; and

12 “(ii) by the holders of Federal student
13 loans defined in section 3502(a)(2)(C) to
14 the satisfaction of the Secretary of Health
15 and Human Services.

16 “(B) PURPOSES.—The purposes of the in-
17 formation reported under subparagraph (A) are
18 to—

19 “(i) verify, at the borrower level, the
20 payments that are provided or suspended
21 under this section; and

22 “(ii) calculate the amount of any in-
23 terest due to the holder for reimbursement
24 of interest under subsection (b).

1 “(2) COORDINATION.—The Secretary shall co-
2 ordinate with the Secretary of Health and Human
3 Services to carry out the provisions of this section
4 with respect to Federal student loans defined in sec-
5 tion 3502(a)(2)(C).”.

6 EFFECTIVE DATE

7 SEC. 150119.

8 This part, and the amendments made by this part,
9 shall take effect as if enacted as part of the Coronavirus
10 Aid, Relief, and Economic Security Act (Public Law 116–
11 136).

12 PART B—CONSOLIDATION LOANS AND PUBLIC
13 SERVICE LOAN FORGIVENESS

14 SPECIAL RULES RELATING TO FEDERAL DIRECT
15 CONSOLIDATION LOANS

16 SEC. 150120.

17 (a) SPECIAL RULES RELATING TO FEDERAL DIRECT
18 CONSOLIDATION LOANS AND PSLF.—

19 (1) PUBLIC SERVICE LOAN FORGIVENESS OP-
20 TION ON CONSOLIDATION APPLICATION.—

21 (A) IN GENERAL.—During the period de-
22 scribed in subsection (e), the Secretary shall—

23 (i) include, in any application for a
24 Federal Direct Consolidation Loan under
25 part D of title IV of the Higher Education
26 Act of 1965 (20 U.S.C. 1087a et seq.), an

1 option for the borrower to indicate that the
2 borrower intends to participate in the pub-
3 lic service loan forgiveness program under
4 section 455(m) of such Act (20 U.S.C.
5 1087e(m)); and

6 (ii) for each borrower who submits an
7 application for a Federal Direct Consolida-
8 tion Loan, without regard to whether the
9 borrower indicates the intention described
10 in clause (i)—

11 (I) request that the borrower
12 submit a certification of employment;
13 and

14 (II) after receiving a complete
15 certification of employment—

16 (aa) carry out the require-
17 ments of paragraph (2); and

18 (bb) inform the borrower of
19 the number of qualifying monthly
20 payments made on the compo-
21 nent loans before consolidation
22 that shall be deemed, in accord-
23 ance with paragraph (2)(D), to
24 be qualifying monthly payments

1 made on the Federal Direct Con-
2 solidation Loan.

3 (B) HOLD HARMLESS.—The Secretary
4 may not change or otherwise rescind a calcula-
5 tion made under paragraph (2)(D) after in-
6 forming the borrower of the results of such cal-
7 culation under subparagraph (A)(ii)(II)(bb).

8 (2) PROCESS TO DETERMINE QUALIFYING PAY-
9 MENTS FOR PURPOSES OF PSLF.—Upon receipt of a
10 complete certification of employment under para-
11 graph (1)(A)(ii)(II) of a borrower who receives a
12 Federal Direct Consolidation Loan described in
13 paragraph (1)(A), the Secretary shall—

14 (A) review the borrower’s payment history
15 to identify each component loan of such Federal
16 Direct Consolidation Loan;

17 (B) for each such component loan—

18 (i) calculate the weighted factor of the
19 component loan, which shall be the factor
20 that represents the portion of such Federal
21 Direct Consolidation Loan that is attrib-
22 utable to such component loan; and

23 (ii) determine the number of quali-
24 fying monthly payments made on such
25 component loan before consolidation;

1 (C) calculate the number of qualifying
2 monthly payments determined under subpara-
3 graph (B)(ii) with respect to a component loan
4 that shall be deemed as qualifying monthly pay-
5 ments made on the Federal Direct Consolida-
6 tion Loan by multiplying—

7 (i) the weighted factor of such compo-
8 nent loan as determined under subpara-
9 graph (B)(i), by

10 (ii) the number of qualifying monthly
11 payments made on such component loan as
12 determined under subparagraph (B)(ii);
13 and

14 (D) calculate the total number of quali-
15 fying monthly payments with respect to the
16 component loans of the Federal Direct Consoli-
17 dation Loan that shall be deemed as qualifying
18 monthly payments made on such Federal Direct
19 Consolidation Loan by—

20 (i) adding together the result of each
21 calculation made under subparagraph (C)
22 with respect to each such component loan;
23 and

1 (ii) rounding the number determined
2 under clause (i) to the nearest whole num-
3 ber.

4 (3) DEFINITIONS.—For purposes of this sub-
5 section:

6 (A) CERTIFICATION OF EMPLOYMENT.—
7 The term “certification of employment”, used
8 with respect to a borrower, means a certifi-
9 cation of the employment of the borrower in a
10 public service job (as defined in section
11 455(m)(3)(B) of the Higher Education Act of
12 1965) on or after October 1, 2007.

13 (B) COMPONENT LOAN.—The term “com-
14 ponent loan”, used with respect to a Federal
15 Direct Consolidation Loan, means each loan for
16 which the liability has been discharged by the
17 proceeds of the Federal Direct Consolidation
18 Loan, which—

19 (i) may include a loan that is not an
20 eligible Federal Direct Loan (as defined in
21 section 455(m)(3)(A) of the Higher Edu-
22 cation Act of 1965); and

23 (ii) in the case of a subsequent con-
24 solidation loan, only includes loans for
25 which the liability has been directly dis-

1 charged by such subsequent consolidation
2 loan.

3 (C) FEDERAL DIRECT CONSOLIDATION
4 LOAN.—The term “Federal Direct Consolida-
5 tion Loan” means a Federal Direct Consolida-
6 tion Loan made under part D of title IV of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1087a et seq.).

9 (D) QUALIFYING MONTHLY PAYMENT.—

10 (i) COMPONENT LOAN.—The term
11 “qualifying monthly payment”, used with
12 respect to a component loan, means a
13 monthly payment on such loan made by a
14 borrower, during a period of employment
15 in a public service job (as defined in sec-
16 tion 455(m)(3)(B) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1087e(m)(3)(B)) on or after October 1,
19 2007, pursuant to—

20 (I) a repayment plan under part
21 B, D, or E of title IV of the Higher
22 Education Act of 1965 (20 U.S.C.
23 1071 et seq.; 1087a et seq.; 1087aa et
24 seq.); or

1 (II) in the case of a loan made
2 under subpart II of part A of title VII
3 of the Public Health Service Act or
4 under part E of title VIII of the Pub-
5 lic Health Service Act, a repayment
6 plan under title VII or VIII of such
7 Act.

8 (ii) FEDERAL DIRECT CONSOLIDATION
9 LOAN.—The term “qualifying monthly pay-
10 ment”, used with respect to a Federal Di-
11 rect Consolidation Loan, means a monthly
12 payment on such loan that counts as 1 of
13 the 120 monthly payments described in
14 section 455(m)(1)(A) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C.
16 1087e(m)(3)(B)).

17 (b) SPECIAL RULES RELATING TO FEDERAL DIRECT
18 CONSOLIDATION LOANS AND ICR AND IBR.—

19 (1) IN GENERAL.—During the period described
20 in subsection (e), with respect to a borrower who re-
21 ceives a Federal Direct Consolidation Loan and who
22 intends to repay such loan under an income-conti-
23 gent repayment plan under section 455(d)(1)(D) of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1087e(d)(1)(D)) or an income-based repayment plan

1 under section 493C of such Act (20 U.S.C. 1098e),
2 the Secretary shall—

3 (A) review the borrower's payment history
4 to identify each component loan of such Federal
5 Direct Consolidation Loan;

6 (B) for each such component loan—

7 (i) calculate the weighted factor of the
8 component loan, which shall be the factor
9 that represents the portion of such Federal
10 Direct Consolidation Loan that is attrib-
11 utable to such component loan; and

12 (ii) determine the number of quali-
13 fying monthly payments made on such
14 component loan before consolidation;

15 (C) calculate the number of qualifying
16 monthly payments determined under subpara-
17 graph (B)(ii) with respect to a component loan
18 that shall be deemed as qualifying monthly pay-
19 ments made on the Federal Direct Consolida-
20 tion Loan by multiplying—

21 (i) the weighted factor of such compo-
22 nent loan as determined under subpara-
23 graph (B)(i), by

24 (ii) the number of qualifying monthly
25 payments made on such component loan as

1 determined under subparagraph (B)(ii);

2 and

3 (D) calculate and inform the borrower of
4 the total number of qualifying monthly pay-
5 ments with respect to the component loans of
6 the Federal Direct Consolidation Loan that
7 shall be deemed as qualifying monthly payments
8 made on such Federal Direct Consolidation
9 Loan by—

10 (i) adding together the result of each
11 calculation made under subparagraph (C)
12 with respect to each such component loan;
13 and

14 (ii) rounding the number determined
15 under clause (i) to the nearest whole num-
16 ber.

17 (2) HOLD HARMLESS.—The Secretary may not
18 change or otherwise rescind a calculation made
19 under paragraph (1)(D) after informing the bor-
20 rower of the results of such calculation under such
21 paragraph.

22 (3) DEFINITIONS.—In this subsection:

23 (A) COMPONENT LOAN; FEDERAL DIRECT
24 CONSOLIDATION LOAN.—The terms “component
25 loan” and “Federal Direct Consolidation Loan”

1 have the meanings given the terms in sub-
2 section (a).

3 (B) QUALIFYING PAYMENT.—

4 (i) COMPONENT LOANS.—Subject to
5 clause (ii), the term “qualifying monthly
6 payment”, used with respect to a compo-
7 nent loan, means a monthly payment on
8 such loan made by a borrower pursuant
9 to—

10 (I) a repayment plan under part
11 B, D, or E of title IV of the Higher
12 Education Act of 1965 (20 U.S.C.
13 1071 et seq., 1087a et seq., 1087aa et
14 seq.); or

15 (II) in the case of a loan made
16 under subpart II of part A of title VII
17 of the Public Health Service Act (42
18 U.S.C. 292q et seq.) or under part E
19 of title VIII of the Public Health
20 Service Act (42 U.S.C. 297a et seq.),
21 a repayment plan under title VII or
22 VIII of such Act.

23 (ii) CLARIFICATION.—

24 (I) ICR.—For purposes of deter-
25 mining the number of qualifying

1 monthly payments made on a compo-
2 nent loan pursuant to an income-con-
3 tingent repayment plan under section
4 455(d)(1)(D) of the Higher Education
5 Act of 1965 (20 U.S.C.
6 1087e(d)(1)(D)), each month a bor-
7 rower is determined to meet the re-
8 quirements of section 455(e)(7)(B)(i)
9 of such Act with respect to such loan
10 shall be treated as such a qualifying
11 monthly payment.

12 (II) IBR.—For purposes of de-
13 termining the number of qualifying
14 monthly payments made on a compo-
15 nent loan pursuant to an income-
16 based repayment plan under section
17 493C of such Act (20 U.S.C. 1098e),
18 each month a borrower was deter-
19 mined to meet the requirements of
20 subsection (b)(7)(B) of such section
21 493C with respect to such loan shall
22 be treated as such a qualifying month-
23 ly payment.

24 (iii) FEDERAL DIRECT CONSOLIDA-
25 TION LOANS.—The term “qualifying

1 monthly payment”, used with respect to a
2 Federal Direct Consolidation Loan, means
3 a monthly payment on such loan that
4 counts as a monthly payment under an in-
5 come-contingent repayment plan under sec-
6 tion 455(d)(1)(D) of the Higher Education
7 Act of 1965 (20 U.S.C. 1087e(d)(1)(D)),
8 or an income-based repayment plan under
9 section 493C of the Higher Education Act
10 of 1965 (20 U.S.C. 1098e).

11 (c) NOTIFICATION TO BORROWERS.—

12 (1) IN GENERAL.—During the period described
13 in subsection (e), the Secretary and the Secretary of
14 Health and Human Services shall undertake a cam-
15 paign to alert borrowers of a loan described in para-
16 graph (2)—

17 (A) on the benefits of consolidating such
18 loans into a Federal Direct Consolidation Loan,
19 including the benefits of the special rules under
20 subsections (a) and (b) of this section; and

21 (B) under which servicers and holders of
22 Federal student loans shall provide to bor-
23 rowers such consumer information, and in such
24 manner, as determined appropriate by the Sec-
25 retaries, based on conducting consumer testing

1 to determine how to make the information as
2 meaningful to borrowers as possible.

3 (2) FEDERAL STUDENT LOANS.—A loan de-
4 scribed in this paragraph is—

5 (A) a loan made under subpart II of part
6 A of title VII of the Public Health Service Act
7 or under part E of title VIII of such Act; or

8 (B) a loan made under part E of the High-
9 er Education Act of 1965.

10 (d) SPECIAL RULE FOR INTEREST ON FEDERAL DI-
11 RECT CONSOLIDATION LOANS.—Any Federal Direct Con-
12 solidation Loan for which the application is received dur-
13 ing the period described in subsection (e), shall bear inter-
14 est at an annual rate as calculated under section
15 455(b)(8)(D) of the Higher Education Act of 1965 (20
16 U.S.C. 1087e(b)(8)(D)), without regard to the require-
17 ment to round the weighted average of the interest rate
18 to the nearest higher one-eighth of one percent.

19 (e) PERIOD.—The period described in this clause is
20 the period beginning on the date of enactment of this Act,
21 and ending on the later of—

22 (1) September 30, 2021; or

23 (2) the day following the date of enactment of
24 this Act that is 2 months after the national U–5
25 measure of labor underutilization shows initial signs

1 of recovery (as such terms are defined in section
2 3513(b) of the Coronavirus Aid, Relief, and Eco-
3 nomic Security Act (Public Law 116–136), as
4 amended by this Act)).

5 (f) GAO STUDY ON IMPLEMENTATION OF SPECIAL
6 RULES ON CONSOLIDATION.—Not later than 6 months
7 after the date of enactment of this Act, the Comptroller
8 General of the United States shall submit a report to the
9 authorizing committees (defined in section 103 of the
10 Higher Education Act of 1965 (20 U.S.C. 1003) on the
11 implementation of this section, which shall include—

12 (1) information on borrowers who apply for or
13 receive a Federal Direct Consolidation Loan under
14 part D of the Higher Education Act of 1965 during
15 the period described in subsection (e),
16 disaggregated—

17 (A) by borrowers who intend to participate
18 in the public service loan forgiveness program
19 under section 455(m) of such Act (20 U.S.C.
20 1087e(m)); and

21 (B) by borrowers who intend to repay such
22 loans on an income-contingent repayment plan
23 under section 455(d)(1)(D) of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1087e(d)(1)(D))

1 or an income-based repayment plan under sec-
2 tion 493C of such Act (20 U.S.C. 1098e);

3 (2) the extent to which the Secretary has estab-
4 lished procedures for carrying out subsections (a)
5 and (b);

6 (3) the extent to which the Secretary and the
7 Secretary of Health and Human Services have car-
8 ried out the notification to borrowers required under
9 subsection (c); and

10 (4) recommendations on improving the imple-
11 mentation of this section to ensure increased bor-
12 rower participation.

13 TREATMENT OF PSLF

14 SEC. 150121.

15 (a) EXCEPTION FOR PURPOSES OF PSLF LOAN
16 FORGIVENESS.—Section 455(m)(1)(B) of the Higher
17 Education Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall
18 apply as if clause (i) were struck.

19 (b) HEALTH CARE PRACTITIONER.—In section
20 455(m)(3)(B)(i) of the Higher Education Act of 1965 (20
21 U.S.C. 1087e(m)(3)(B)(i)), the term “full-time profes-
22 sionals engaged in health care practitioner occupations”
23 includes an individual who—

24 (1) has a full-time job as a health care practi-
25 tioner;

1 (2) provides medical services in such full-time
2 job at a nonprofit hospital or public hospital or other
3 nonprofit or public health care facility; and

4 (3) is prohibited by State law from being em-
5 ployed directly by such hospital or other health care
6 facility.

7 PART C—EMERGENCY RELIEF FOR
8 DEFRAUDED BORROWERS

9 EMERGENCY RELIEF FOR DEFRAUDED BORROWERS

10 SEC. 150122.

11 (a) EMERGENCY RELIEF.—An eligible borrower shall
12 be entitled to relief on an eligible loan pursuant to this
13 section.

14 (b) DEFINITIONS.—In this section:

15 (1) ELIGIBLE BORROWER.—The term “eligible
16 borrower” means an individual—

17 (A) who—

18 (i) borrowed an eligible loan to fi-
19 nance the cost of enrollment at an institu-
20 tion of higher education that, according to
21 findings by the Department of Education
22 made on or before the date of enactment
23 of this Act, made a false or misleading rep-
24 resentation with the respect to the job

1 placement rates of such institution of high-
2 er education; and

3 (ii) has not received the relief de-
4 scribed in subsection (c)(1) on such eligible
5 loan; or

6 (B) who—

7 (i) borrowed an eligible loan to fi-
8 nance the cost of enrollment at an institu-
9 tion of higher education that, according to
10 findings by the Department of Education
11 made on or before the date of enactment
12 of this Act, made a false or misleading rep-
13 resentation with respect to guaranteed em-
14 ployment or transferability of credits of
15 such institution of higher education;

16 (ii) in an application to the Secretary
17 for a defense to repayment of such eligible
18 loan, has asserted that the borrower (or
19 the dependent student on whose behalf the
20 eligible borrowed such eligible loan) relied
21 on such false or misleading representation
22 in deciding to enroll in such institution of
23 higher education; and

1 (iii) has not received the relief de-
2 scribed in subsection (c)(1) on such eligible
3 loan.

4 (2) ELIGIBLE LOAN.—The term “eligible loan”
5 means a loan made, insured, or guaranteed under
6 part B or D of title IV of the Higher Education Act
7 of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.).

8 (c) RELIEF.—With respect to each eligible borrower,
9 the Secretary shall—

10 (1) not later than 45 days after the date of en-
11 actment of this Act, with respect to each eligible
12 loan of the borrower described in subsection (b)(1)—

13 (A) cancel or repay the full balance of in-
14 terest and principal (including fees and
15 charges) due on such loan; and

16 (B) return to the borrower an amount
17 equal to the total amount of payments (includ-
18 ing voluntary and involuntary payments) made
19 on the loan by the borrower;

20 (2) not later than 60 days after the date of en-
21 actment of this section, report the cancellation or re-
22 payment under paragraph (1)(A) of each eligible
23 loan to each consumer reporting agency to which the
24 Secretary previously reported the status of the loan,

1 so as to delete all adverse credit history assigned to
2 the loan; and

3 (3) not later than 60 days after the date of en-
4 actment of this Act, no longer consider a borrower
5 who has defaulted on a loan cancelled or repaid
6 under this subsection to be in default on such loan.

7 (d) NOTIFICATION.—Not later than 30 days after the
8 date of enactment of this section, the Secretary shall no-
9 tify (in writing) each eligible borrower of—

10 (1) the relief to which the borrower is entitled
11 pursuant to subsection (c), and when the borrower
12 will receive such relief;

13 (2) the borrower's eligibility to receive assist-
14 ance under title IV of the Higher Education Act of
15 1965 (20 U.S.C. 1070 et seq.) after receiving relief
16 pursuant to subsection (c); and

17 (3) any further relief to such borrower as the
18 Secretary determines is appropriate.

19 (e) EXPEDIENT ADJUDICATION OF STATE ATTORNEY
20 GENERAL CLAIMS RELATING TO DEFENSE TO REPAY-
21 MENT OF A LOAN.—

22 (1) IN GENERAL.—The Secretary shall carry
23 out the requirements of paragraph (2) with respect
24 to each claim submitted to the Secretary on or be-
25 fore the date of enactment of this Act by a State at-

1 torney general on behalf of one or more individuals
2 who—

3 (A) allege that the individual borrowed an
4 eligible loan to finance the cost of enrollment at
5 an institution of higher education whose act or
6 omission the individual may assert as a defense
7 to repayment on such loan under the Higher
8 Education Act of 1965 (20 U.S.C. 1001 et
9 seq.) or under applicable State law; and

10 (B) has not received the relief described in
11 paragraph (2)(B) on such eligible loan.

12 (2) REQUIREMENTS.—The Secretary shall carry
13 out the following with respect to each claim de-
14 scribed in paragraph (1):

15 (A) Not later than 180 days after the date
16 of enactment of this Act, adjudicate each such
17 claim.

18 (B) For each claim for which the State at-
19 torney general proves the facts described in
20 paragraph (1) by a preponderance of the evi-
21 dence, with respect to each individual on whose
22 behalf the claim was submitted, provide the fol-
23 lowing:

24 (i) Not later than 45 days after the
25 date on which such claim is adjudicated,

1 with respect to each eligible loan described
2 in paragraph (1) of the individual—

3 (I) cancel or repay the full bal-
4 ance of interest and principal (includ-
5 ing fees and charges) due on such
6 loan; and

7 (II) return to the borrower an
8 amount equal to the total amount of
9 payments (including voluntary and in-
10 voluntary payments) made on the loan
11 by the borrower.

12 (ii) Not later than 60 days after the
13 date on which such claim is adjudicated,
14 report the cancellation or repayment under
15 clause (i) of each eligible loan to each con-
16 sumer reporting agency to which the Sec-
17 retary previously reported the status of the
18 loan, so as to delete all adverse credit his-
19 tory assigned to the loan.

20 (iii) Not later than 60 days after the
21 date on which such claim is adjudicated,
22 no longer consider a borrower who has de-
23 faulted on a loan cancelled or repaid under
24 this subparagraph to be in default on such
25 loan.

1 (C) Not later than 10 days after the date
2 of adjudication under subparagraph (A), with
3 respect to each claim submitted on behalf of not
4 less than 20 individuals, provide detailed re-
5 ports to the authorizing committees, which shall
6 include—

7 (i) any evidence submitted by the
8 State attorney general, which the Secretary
9 relied upon in adjudicating the claim;

10 (ii) any evidence submitted by the
11 State attorney general, which the Secretary
12 did not rely upon in adjudicating the
13 claim;

14 (iii) any other evidence the Secretary
15 relied upon in adjudicating the claim;

16 (iv) a summary of all efforts to co-
17 ordinate with the State attorney general to
18 ensure a fair adjudication; and

19 (v) a detailed legal rationale for the
20 Secretary's adjudication.

21 (D) For the duration of the adjudication of
22 each claim—

23 (i) suspend any payments owed on
24 any eligible loan that is the subject of such

1 claim, including a suspension of any cap-
2 italization of interest;

3 (ii) suspend any involuntary collec-
4 tions on such loan, including collections
5 under—

6 (I) a wage garnishment author-
7 ized under section 488A of the Higher
8 Education Act of 1965 (20 U.S.C.
9 1095a) or section 3720D of title 31,
10 United States Code;

11 (II) a reduction of tax refund by
12 amount of debt authorized under sec-
13 tion 3720A of title 31, United States
14 Code, or section 6402(d) of the Inter-
15 nal Revenue Code of 1986;

16 (III) a reduction of any other
17 Federal benefit payment by adminis-
18 trative offset authorized under section
19 3716 of title 31, United States Code
20 (including a benefit payment due to
21 an individual under the Social Secu-
22 rity Act (42 U.S.C. 301 et seq.) or
23 any other provision described in sub-
24 section (c)(3)(A)(i) of such section);
25 or

1 (IV) any other involuntary collec-
2 tion activity by the Secretary; and

3 (iii) suspend any interest accrual on
4 such loan.

5 (E) Not later than 10 days after the date
6 of adjudication for which relief is provided
7 under subparagraph (B), notify (in writing)
8 each individual with respect to whom relief is
9 provided of—

10 (i) the relief to which the individual is
11 entitled pursuant to subparagraph (B),
12 and when the individual will receive such
13 relief;

14 (ii) the individual's eligibility to re-
15 ceive assistance under title IV of the High-
16 er Education Act of 1965 (20 U.S.C. 1070
17 et seq.) after receiving relief pursuant to
18 subparagraph (B); and

19 (iii) any further relief to such bor-
20 rower as the Secretary determines is ap-
21 propriate.

22 (f) INSTITUTIONAL ACCOUNTABILITY.—With respect
23 to each loan cancelled or repaid under this section, the
24 Secretary shall initiate an appropriate proceeding to re-
25 quire the institution of higher education whose act or

1 omission resulted in such cancellation or repayment to
2 repay to the Secretary the amount so cancelled or repaid.

3 (g) TAXATION.—For purposes of the Internal Rev-
4 enue Code of 1986, in the case of any relief provided under
5 subsection (c)(1) or (e)(2)(B) with respect to a borrower:

6 (1) EXCLUSION FROM GROSS INCOME; NO RE-
7 CAPTURE OF TAX BENEFITS.—No amount shall be
8 included in the gross income of such borrower by
9 reason of such relief and section 111(b) such Code
10 shall not apply with respect to such relief.

11 (2) WAIVER OF INFORMATION REPORTING RE-
12 QUIREMENTS.—Amounts excluded from gross in-
13 come under paragraph (1) shall not be required to
14 be reported (and shall not be taken into account in
15 determining whether any reporting requirement ap-
16 plies) under chapter 61 of such Code.

17 Subtitle D—Notifications and Reporting

18 NOTIFICATIONS AND REPORTING RELATING TO HIGHER

19 EDUCATION

20 SEC. 150123.

21 (a) NOTIFICATION OF NON-CARES ACT FLEXIBILI-
22 TIES.—

23 (1) NOTICE TO CONGRESS.—

24 (A) IN GENERAL.—Not later than two
25 days before the date on which the Secretary

1 grants a flexibility described in paragraph (4),
2 the Secretary shall—

3 (i) submit to the authorizing commit-
4 tees a written notification of the Sec-
5 retary's intent to grant such flexibility; and

6 (ii) publish the notification on a pub-
7 licly accessible website of the Department
8 of Education.

9 (B) ELEMENTS.—Each notification under
10 subparagraph (A) shall—

11 (i) identify the provision of law, regu-
12 lation, or subregulatory guidance to which
13 the flexibility will apply;

14 (ii) identify any limitations on the
15 flexibility, including any time limits;

16 (iii) identify the statutory authority
17 under which the flexibility is provided;

18 (iv) identify the class of covered enti-
19 ties to which the flexibility will apply;

20 (v) identify whether a covered entity
21 will need to request the flexibility or
22 whether the flexibility will be applied with-
23 out request;

24 (vi) in the case of a flexibility that re-
25 quires a covered entity to request the flexi-

1 bility, identify the factors the Secretary
2 will consider in approving or denying the
3 flexibility;

4 (vii) explain how the flexibility is ex-
5 pected to benefit the covered entity or class
6 of covered entities to which it applies; and

7 (viii) explain the reasons the flexibility
8 is necessary and appropriate due to
9 COVID-19.

10 (2) QUARTERLY REPORTS.—Not later than 10
11 days after the end of each fiscal quarter for the du-
12 ration of the qualifying emergency through the end
13 of the first fiscal year beginning after the conclusion
14 of such qualifying emergency, the Secretary shall
15 submit to the authorizing committees a report that
16 includes, with respect to flexibilities described in
17 paragraph (4) that have been issued by the Sec-
18 retary in the most recently ended fiscal quarter, the
19 following:

20 (A) In the case of a flexibility that was
21 issued by the Secretary without request from a
22 covered entity, an explanation of all require-
23 ments, including reporting requirements, that
24 the Secretary imposed on the covered entity as
25 a condition of the flexibility.

1 (B) In the case of a flexibility for which a
2 covered entity requested and received specific
3 approval from the Secretary—

4 (i) identification of the covered entity
5 that received the flexibility;

6 (ii) an explanation of the specific rea-
7 sons for approval of the request;

8 (iii) a detailed description of the
9 terms of the flexibility, including—

10 (I) a description of any limita-
11 tions on the flexibility; and

12 (II) identification of each provi-
13 sion of law (including regulation and
14 subregulatory guidance) that is waived
15 or modified and, for each such provi-
16 sion, the statutory authority under
17 which the flexibility was provided; and

18 (iv) a copy of the final document
19 granting the flexibility.

20 (C) In the case of any request for a flexi-
21 bility that was denied by the Secretary—

22 (i) identification of the covered entity
23 or entities that were denied a flexibility;

24 (ii) a detailed description of the terms
25 of the request for the flexibility; and

1 (iii) an explanation of the specific rea-
2 sons for denial of the request.

3 (3) REPORT ON FLEXIBILITIES GRANTED BE-
4 FORE ENACTMENT.—Not later than 30 days after
5 the date of enactment of this Act, the Secretary
6 shall submit to the authorizing committees a report
7 that—

8 (A) identifies each flexibility described in
9 paragraph (4) that was granted by the Sec-
10 retary between March 13, 2020, and the date
11 of enactment of this Act; and

12 (B) with respect to each such flexibility,
13 provides the information specified in paragraph
14 (1)(B).

15 (4) FLEXIBILITY DESCRIBED.—A flexibility de-
16 scribed in this paragraph is modification or waiver
17 of any provision of the Higher Education Act of
18 1965 (20 U.S.C. 1001 et seq.) (including any regu-
19 lation or subregulatory guidance issued under such
20 a provision) that the Secretary determines to be nec-
21 essary and appropriate to modify or waive due to
22 COVID–19, other than a provision of the Higher
23 Education Act of 1965 that the Secretary is specifi-
24 cally authorized to modify or waive pursuant to the
25 CARES Act (Public Law 116–136).

1 (5) PRIVACY.—The Secretary shall ensure that
2 any report or notification submitted under this sub-
3 section does not reveal personally identifiable infor-
4 mation about an individual student.

5 (6) RULE OF CONSTRUCTION.—Nothing in this
6 subsection shall be construed to authorize the Sec-
7 retary to waive or modify any provision of law.

8 (b) REPORTS ON EXERCISE OF CARES ACT WAIV-
9 ERS BY INSTITUTIONS OF HIGHER EDUCATION.—Not
10 later than 30 days after the date of enactment of this Act,
11 each institution of higher education that exercises an au-
12 thority provided under section 3503(c) (as redesignated
13 by section 150102 of this Act), section 3504, section 3505,
14 section 3508(d), section 3509, or section 3517(b) of the
15 CARES Act (Public Law 116–136) shall submit to the
16 Secretary a report that describes the nature and extent
17 of the institution’s exercise of such authorities, including
18 the number of students and amounts of aid provided under
19 title IV of the Higher Education Act of 1965 (20 U.S.C.
20 1070 et seq.) affected by the exercise of such authorities,
21 as applicable.

22 (c) REPORTS ON CHANGES TO CONTRACTS AND
23 AGREEMENTS.—Not later than 10 days after the end of
24 each fiscal quarter for the duration of the qualifying emer-
25 gency through the end of the first fiscal year beginning

1 after the conclusion of such qualifying emergency, the Sec-
2 retary shall submit to the authorizing committees a report
3 that includes, for the most recently ended fiscal quarter—

4 (1) a summary of all modifications to any con-
5 tracts with Department of Education contractors re-
6 lating to Federal student loans, including—

7 (A) the contractual provisions that were
8 modified;

9 (B) the names of all contractors affected
10 by the modifications; and

11 (C) estimates of any costs or savings re-
12 sulting from the modifications;

13 (2) a summary of all amendments, addendums,
14 or other modifications to program participation
15 agreements with institutions of higher education
16 under section 487 of the Higher Education Act of
17 1965 (20 U.S.C. 1094), any provisional program
18 participation agreements entered into under such
19 section, and any COVID–19 provisional program
20 participation agreements entered into under section
21 150112 of this Act, including—

22 (A) any provisions of such agreements that
23 were modified by the Department of Education;
24 and

1 (B) the number of institutions of higher
2 education that received such modifications or
3 entered into such provisional agreements,
4 disaggregated by—

5 (i) status as a four-year, two-year, or
6 less-than-two-year public institution, pri-
7 vate nonprofit institution, or proprietary
8 institution; and

9 (ii) each category of minority-serving
10 institution described in section 371(a) of
11 the Higher Education Act (20 U.S.C.
12 1067q); and

13 (3) sample copies of program participation
14 agreements (including provisional agreements), se-
15 lected at random from among the agreements de-
16 scribed in paragraph (2), including at least one
17 agreement from each type of institution (whether a
18 public institution, private nonprofit institution, or
19 proprietary institution) that received a modified or
20 provisional agreement.

21 (d) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, the Secretary
24 shall submit to the authorizing committees a report
25 that includes the following:

1 (A) A summary of the reports received by
2 the Secretary under subsection (b).

3 (B) A description of—

4 (i) the Secretary's use of the authority
5 under section 3506 of the CARES Act
6 (Public Law 116–136) to adjust subsidized
7 loan usage limits, including the total num-
8 ber of students and the total amount of
9 subsidized loans under title IV of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1070 et seq.) affected by the Secretary's
12 use of such authority;

13 (ii) the Secretary's use of the author-
14 ity under section 3507 of the CARES Act
15 (Public Law 116–136) to exclude certain
16 periods from the Federal Pell Grant dura-
17 tion limit, including the total number of
18 students and the total amount of Federal
19 Pell Grants under section 401 of the High-
20 er Education Act of 1965 (20 U.S.C.
21 1070a) affected by the Secretary's use of
22 such authority;

23 (iii) the Secretary's use of the author-
24 ity under section 3508 of the CARES Act
25 (Public Law 116–136) to waive certain re-

1 requirements for the return of Federal
2 funds, including—

3 (I) in the case of waivers issued
4 to students under such section, the
5 total number of students and the total
6 amount of aid under title IV of the
7 Higher Education Act of 1965 (20
8 U.S.C. 1070 et seq.) affected by the
9 Secretary’s use of such authority; and

10 (II) in the case of waivers issued
11 to institutions of higher education
12 under such section, the total number
13 of students and the total amount of
14 aid under title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1070
16 et seq.) affected by the Secretary’s
17 use of such authority.

18 (C) A summary of the information re-
19 quired to be reported to the authorizing com-
20 mittees under sections 3510 and 3512 of the
21 CARES Act (Public Law 116–136), as amend-
22 ed by this Act, regardless of whether such infor-
23 mation has previously been reported to such
24 committees as of the date of the report under
25 this subsection.

1 (D) Information relating to the temporary
2 relief for Federal student loan borrowers pro-
3 vided under section 3513 of the CARES Act
4 (Public Law 116–136), including—

5 (i) with respect to the notifications re-
6 quired under subsection (g)(1) of such sec-
7 tion—

8 (I) the total number of individual
9 notifications sent to borrowers in ac-
10 cordance with such subsection,
11 disaggregated by electronic, postal,
12 and telephonic notifications;

13 (II) the total number of notifica-
14 tions described in clause (i) that were
15 sent within the 15-day period speci-
16 fied in such subsection; and

17 (III) the actual costs to the De-
18 partment of Education of making the
19 notifications under such subsection;

20 (ii) the projected costs to the Depart-
21 ment of Education of making the notifica-
22 tions required under subsection (g)(2) of
23 such section;

24 (iii) the number of Federal student
25 loan borrowers who have affirmatively

1 opted-out of payment suspension under
2 subsection (a) of such section;

3 (iv) the number of individual notifica-
4 tions sent to employers directing the em-
5 ployers to halt wage garnishment pursuant
6 to subsection (e) of such section,
7 disaggregated by electronic, postal, and tel-
8 ephonic notifications;

9 (v) the number of Federal student
10 loan borrowers who have had their wages
11 garnished pursuant to section 488A of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1095a) or section 3720D of title 31,
14 United States Code, between March 13,
15 2020, and the date of the date of enact-
16 ment of this Act;

17 (vi) the number of Federal student
18 loan borrowers subject to interest capital-
19 ization as a result of consolidating Federal
20 student loans since March 13, 2020, and
21 the total amount of such interest capital-
22 ization;

23 (vii) the average daily call wait times
24 and call drop rates, disaggregated by stu-
25 dent loan servicer, for the period between

1 March 13, 2020, and the date of enact-
2 ment of this Act; and

3 (viii) the estimated or projected sav-
4 ings to the Department of Education for
5 student loan servicing activities for the pe-
6 riod beginning on March 13, 2020, and
7 ending on September 30, 2020, due to
8 lower reimbursement or contract costs per
9 account for student loan servicers and pri-
10 vate collection agencies resulting from the
11 suspension of Federal student loan pay-
12 ments and halt to collection activities
13 under the CARES Act (Public Law 116-
14 136).

15 (E) Information relating to the special
16 rules relating to Federal Direct Consolidation
17 Loans under section 150120 of this Act, includ-
18 ing—

19 (i) the number of borrowers who sub-
20 mitted an application for a Federal Direct
21 Consolidation Loan;

22 (ii) the number of borrowers who re-
23 ceived a Federal Direct Consolidation
24 Loan; and

1 (iii) the wait time between submitting
2 an application and receiving a Federal Di-
3 rect Consolidation Loan.

4 (F) A summary of the information re-
5 quired to be reported to the authorizing com-
6 mittees under section 3517(c) and section
7 3518(c) of the CARES Act (Public Law 116-
8 136), as amended by this Act, regardless of
9 whether such information has previously been
10 reported to such committees as of the date of
11 the report under this subsection.

12 (G) A copy of any communication from the
13 Department of Education to grantees and Fed-
14 eral student loan borrowers eligible for rights
15 and benefits under section 3519 of the CARES
16 Act (Public Law 116-136) to inform such
17 grantees and borrowers of their eligibility for
18 such rights and benefits.

19 (2) DUTY OF HHS.—The Secretary of Health
20 and Human Services shall provide to the Secretary
21 of Education the information necessary for the Sec-
22 retary of Education to comply with paragraph
23 (1)(D).

24 (e) AMENDMENTS TO CARES ACT REPORTING RE-
25 QUIREMENTS.—

1 (1) REPORTING REQUIREMENT FOR HBCU CAP-
2 ITAL FINANCING LOAN DEFERMENT.—Section
3 3512(c) of the CARES Act (Public Law 116–136)
4 is amended by striking the period at the end and in-
5 serting “, the terms of the loans deferred, and the
6 schedule for repayment of the deferred loan
7 amount.”

8 (2) REPORTING REQUIREMENT FOR INSTITU-
9 TIONAL AID MODIFICATIONS.—Section 3517(c) of
10 the CARES Act (Public Law 116–136) is amended
11 by striking the period at the end and inserting “,
12 identifies the statutory provision waived or modified,
13 and describes the terms of the waiver or modifica-
14 tion received by the institution.”

15 (3) REPORTING REQUIREMENT FOR GRANT
16 MODIFICATIONS.—Section 3518(c) of the CARES
17 Act (Public Law 116–136) is amended by striking
18 the period at the end and inserting “and describes
19 the terms of the modification received by the institu-
20 tion or other grant recipient.”

21 (f) DEFINITIONS.—In this section:

22 (1) The term “covered entity” means an insti-
23 tution of higher education, a Federal contractor, a
24 student, or any other entity that is subject to the

1 Higher Education Act of 1965 (20 U.S.C. 1001 et
2 seq.).

3 (2) The term “Federal student loan” means a
4 loan described in section 3502(a)(2) of the CARES
5 Act (Public Law 116–136), as amended by this Act.

6 TITLE II—OTHER PROGRAMS

7 Subtitle A—Carl D. Perkins Career and Technical Edu-
8 cation Act of 2006 and Adult Education and Lit-
9 eracy COVID–19 National Emergency Response

10 DEFINITIONS

11 SEC. 150201.

12 In this subtitle:

13 (1) APPRENTICESHIP; APPRENTICESHIP PRO-
14 GRAM.—The terms “apprenticeship” and “appren-
15 ticeship program” mean an apprenticeship program
16 registered under the Act of August 16, 1937 (com-
17 monly known as the “National Apprenticeship Act”)
18 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),
19 including any requirement, standard, or rule promul-
20 gated under such Act, as such requirement, stand-
21 ard, or rule was in effect on December 30, 2019.

22 (2) CORONAVIRUS.—The term “coronavirus”
23 means coronavirus as defined in section 506 of the
24 Coronavirus Preparedness and Response Supple-

1 mental Appropriations Act, 2020 (Public Law 116–
2 123).

3 (3) COVID–19 NATIONAL EMERGENCY.—The
4 term “COVID–19 national emergency” means the
5 national emergency declared by the President under
6 the National Emergencies Act (50 U.S.C. 1601 et
7 seq.) on March 13, 2020, with respect to the
8 coronavirus.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Education.

11 COVID–19 CAREER AND TECHNICAL EDUCATION

12 RESPONSE FLEXIBILITY

13 SEC. 150202.

14 (a) RETENTION OF FUNDS.—Notwithstanding sec-
15 tion 133(b)(1) of the Carl D. Perkins Career and Tech-
16 nical Education Act of 2006 (29 U.S.C. 2353(b)(1)), with
17 respect to an eligible recipient that, due to the COVID–
18 19 national emergency, does not expend all of the amounts
19 that the eligible recipient is allocated for academic year
20 2019–2020 under section 131 or 132 of the Carl D. Per-
21 kins Career and Technical Education Act of 2006 (20
22 U.S.C. 2351; 2352), the eligible agency that allocated
23 such funds to the eligible recipient—

24 (1) may authorize the eligible recipient to retain
25 such amounts to carry out, during academic year
26 2020–2021, any activities described in the applica-

1 tion of eligible recipient submitted under section
2 134(b) of such Act (29 U.S.C. 2354(b)) that such
3 eligible recipient had intended to carry out during
4 academic year 2019–2020; and

5 (2) shall ensure that a retention of amounts by
6 an eligible recipient under paragraph (1) has no im-
7 pact on the allocation of amounts to such eligible re-
8 cipient under section 131 or 132 of the Carl D. Per-
9 kins Career and Technical Education Act of 2006
10 (20 U.S.C. 2351; 2352) for academic year 2020–
11 2021.

12 (b) **POOLING OF FUNDS.**—An eligible recipient may,
13 in accordance with section 135(c) of the Carl D. Perkins
14 Career and Technical Education Act of 2006 (20 U.S.C.
15 2355(e)), pool a portion of funds received under such Act
16 with a portion of funds received under such Act available
17 to one or more eligible recipients to support the transition
18 from secondary education to postsecondary education or
19 employment for CTE participants whose academic year
20 was interrupted by the COVID–19 national emergency.

21 (c) **PROFESSIONAL DEVELOPMENT.**—During the
22 COVID–19 national emergency, section 3(40)(B) of the
23 Carl D. Perkins Career and Technical Education Act of
24 2006 (20 U.S.C. 2302(40)(B)) shall apply as if “sustained
25 (not stand-alone, 1-day, or short-term workshops), inten-

1 sive, collaborative, job-embedded, data-driven, and class-
2 room-focused,” were struck.

3 (d) DEFINITIONS.—Except as otherwise provided, the
4 terms in this section have the meanings given the terms
5 in section 3 of the Carl D. Perkins Career and Technical
6 Education Act of 2006 (20 U.S.C. 2302).

7 ADULT EDUCATION AND LITERACY RESPONSE ACTIVITIES
8 SEC. 150203.

9 (a) ONLINE SERVICE DELIVERY OF ADULT EDU-
10 CATION AND LITERACY ACTIVITIES.—During the
11 COVID–19 national emergency, an eligible agency may
12 use funds available to such agency under paragraphs (2)
13 and (3) of section 222(a) of the Workforce Innovation and
14 Opportunity Act (20 U.S.C. 3302(a)) for the administra-
15 tive expenses of the eligible agency related to transitions
16 to online service delivery of adult education and literacy
17 activities.

18 (b) SECRETARIAL RESPONSIBILITIES.—Not later
19 than 30 days after the date of enactment of this Act, the
20 Secretary shall, in carrying out section 242(c)(2)(G) of the
21 Workforce Innovation and Opportunity Act (29 U.S.C.
22 3332(c)(2)(G)), identify and disseminate to States strate-
23 gies and virtual proctoring tools to—

24 (1) assess the progress of learners in adult edu-
25 cation programs based upon valid research, as ap-
26 propriate, and;

1 (2) measure the progress of such programs in
2 meeting the State adjusted levels of performance de-
3 scribed in section 116(b)(3) of the Workforce Inno-
4 vation and Opportunity Act (29 U.S.C. 3141(b)(3)).

5 (c) DEFINITIONS.—Except as otherwise provided, the
6 terms in this section have the meanings given the terms
7 in section 203 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3272).

9 GENERAL PROVISIONS

10 SEC. 150204.

11 Notwithstanding any other provision of law, if deter-
12 mined necessary and appropriate due to the COVID-19
13 national emergency by the Secretary, the Secretary may
14 waive, for a period not to exceed academic year 2019-
15 2020—

16 (1) upon the request of a State or Indian Tribe
17 receiving funds under title I of the Carl D. Perkins
18 Career and Technical Education Act of 2006 (20
19 U.S.C. 2321 et seq.), the requirements under section
20 421(b) of the General Education Provisions Act (20
21 U.S.C. 1225(b)) for the State or Indian Tribe with
22 respect to such funds; and

23 (2) upon the request of an eligible agency re-
24 ceiving funds under the Adult Education and Family
25 Literacy Act (29 U.S.C. 3271 et seq.), the require-
26 ments under section 421(b) of the General Edu-

1 cation Provisions Act (20 U.S.C. 1225(b)) for that
2 eligible agency with respect to such funds.

3 Subtitle B—Corporation for National and Community
4 Service COVID–19 Response Activities

5 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
6 PROVISIONS

7 SEC. 150205.

8 Section 3514(a)(2)(B) of the CARES Act is amended
9 by inserting “, or the full value of the stipend under sec-
10 tion 105(a) of title I of the Domestic Volunteer Service
11 Act of 1973 (42 U.S.C. 4955), as amended,” after “such
12 subtitle”.

13 NATIONAL SERVICE EXPANSION FEASIBILITY STUDY

14 SEC. 150206.

15 (a) STUDY REQUIRED.—The Corporation for Na-
16 tional and Community Service shall conduct a study on
17 the feasibility of increasing the capacity of national service
18 programs across the country to respond to the COVID–
19 19 national emergency, the corresponding public health
20 crisis, and the economic and social impact to communities
21 across the country.

22 (b) SCOPE OF STUDY.—The Corporation for National
23 and Community Service shall examine new and existing
24 programs, partnerships, organizations and grantees that
25 could be utilized to respond to the COVID–19 national
26 emergency as described in subsection (a), including—

1 (1) service opportunities related to food secu-
2 rity, education, economic opportunity, and disaster
3 or emergency response;

4 (2) partnerships with the Department of Health
5 and Human Services, the Centers for Disease Con-
6 trol and Prevention, and public health departments
7 in all 50 states and territories to respond to public
8 health needs related to COVID–19 such as testing,
9 contact tracing, or related activities; and

10 (3) the capacity and ability of the State Com-
11 missions on National and Community Service to re-
12 spond to the needs of state and local governments in
13 each state or territory in which such State Commis-
14 sion is in operation.

15 (c) REQUIRED ASPECTS OF THE STUDY.—In per-
16 forming the study described in this section, the Corpora-
17 tion for National and Community Service shall examine
18 the following aspects for each of the new or existing pro-
19 grams, partnerships, organizations and grantees as de-
20 scribed in subsection (b), including—

21 (1) the cost and resources necessary related to
22 expansion as described in paragraphs (1), (2) and
23 (3) of subsection (b);

24 (2) the timeline for implementation of any ex-
25 panded partnerships or expanded capacity as de-

1 scribed in paragraphs (1), (2) and (3) of subsection
2 (b);

3 (3) options to use existing corps programs over-
4 seen by the Corporation for National and Commu-
5 nity Service for expanding such capacity, and the
6 role of programs, such as AmeriCorps, AmeriCorps
7 VISTA, AmeriCorps National Civilian Community
8 Corps, or Senior Corps, for expanding capacity as
9 described in paragraphs (1), (2) and (3) of sub-
10 section (b);

11 (4) the ability to increase diversity, including
12 economic, racial, ethnic, and gender diversity,
13 amongst national service volunteers and programs as
14 part of any expansion activities;

15 (5) the geographic distribution of demand by
16 state due to the economic or health related impacts
17 of COVID-19 for national service volunteer opportu-
18 nities across the country and the additional volun-
19 teer capacity needed to meet this demand, com-
20 paring existing demand for volunteer opportunities
21 to expected or realized increases as a result of
22 COVID-19; and

23 (6) whether any additional administrative ca-
24 pacity is needed to respond to increases in demand
25 as described in paragraph (5), including through

1 grantee organizational capacity or at the Corpora-
2 tion for National and Community Service.

3 (d) REPORTS TO CONGRESSIONAL COMMITTEES.—
4 Not later than 30 days after the date of enactment of this
5 Act, the Chief Executive Officer of the Corporation for
6 National and Community Service shall prepare and submit
7 a report to the Committee on Education and Labor and
8 the Committee on Appropriations of the House of Rep-
9 resentatives, and the Committee on Health, Education,
10 Labor, and Pensions and the Committee on Appropria-
11 tions of the Senate, with recommendations on the role for
12 the Corporation for National and Community Service in
13 responding to the COVID–19 national emergency, includ-
14 ing any recommendations for legislative, regulatory, and
15 administrative changes based on findings related to the
16 topics identified under subsection (b).

17 DEFINITIONS

18 SEC. 150207.

19 In this subtitle, the following definitions apply:

20 (1) DVSA TERMS.—The terms “Director” and
21 “poverty line for a single individual” have the mean-
22 ing given such terms in section 421 of the Domestic
23 Volunteer Service Act of 1973 (42 U.S.C. 5061).

24 (2) COVID–19 NATIONAL EMERGENCY.—The
25 term “COVID–19 national emergency” means the
26 national emergency declared by the President under

1 the National Emergencies Act (50 U.S.C. 1601 et
2 seq.) on March 13, 2020, with respect to COVID–
3 19.

4 (3) GRANTEE.—The term “grantee” means a
5 recipient of a grant under the Domestic Volunteer
6 Service Act of 1973 (42 U.S.C. 4950 et seq.) or the
7 National and Community Service Act of 1990 (42
8 U.S.C. 12501 et seq.) to run a program.

9 (4) PROGRAM.—The term “program” means a
10 program funded under the Domestic Volunteer Serv-
11 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-
12 tional and Community Service Act of 1990 (42
13 U.S.C. 12501 et seq.).

14 (5) STATE COMMISSION ON NATIONAL AND
15 COMMUNITY SERVICE.—The term “State Commis-
16 sion on National and Community Service” has the
17 meaning given such term in section 101 of the Na-
18 tional and Community Service Act (42 U.S.C.
19 12511).

1 **DIVISION P—ACCESS ACT**

2 **SEC. 160001. SHORT TITLE; TABLE OF CONTENTS.**

3 This Act may be cited as the “American Coronavirus/
4 COVID–19 Election Safety and Security Act” or the “AC-
5 CESS Act”.

6 **SEC. 160002. REQUIREMENTS FOR FEDERAL ELECTION**
7 **CONTINGENCY PLANS IN RESPONSE TO NAT-**
8 **URAL DISASTERS AND EMERGENCIES.**

9 (a) IN GENERAL.—

10 (1) ESTABLISHMENT.—Not later than 30 days
11 after the date of the enactment of this Act, each
12 State and each jurisdiction in a State which is re-
13 sponsible for administering elections for Federal of-
14 fice shall establish and make publicly available a
15 contingency plan to enable individuals to vote in
16 elections for Federal office during a state of emer-
17 gency, public health emergency, or national emer-
18 gency which has been declared for reasons includ-
19 ing—

20 (A) a natural disaster; or

21 (B) an infectious disease.

22 (2) UPDATING.—Each State and jurisdiction
23 shall update the contingency plan established under
24 this subsection not less frequently than every 5
25 years.

1 (b) REQUIREMENTS RELATING TO SAFETY.—The
2 contingency plan established under subsection (a) shall in-
3 clude initiatives to provide equipment and resources need-
4 ed to protect the health and safety of poll workers and
5 voters when voting in person.

6 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
7 POLL WORKERS.—The contingency plan established
8 under subsection (a) shall include initiatives by the chief
9 State election official and local election officials to recruit
10 poll workers from resilient or unaffected populations,
11 which may include—

12 (1) employees of other State and local govern-
13 ment offices; and

14 (2) in the case in which an infectious disease
15 poses significant increased health risks to elderly in-
16 dividuals, students of secondary schools and institu-
17 tions of higher education in the State.

18 (d) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL.—The Attorney Gen-
20 eral may bring a civil action against any State or ju-
21 risdiction in an appropriate United States District
22 Court for such declaratory and injunctive relief (in-
23 cluding a temporary restraining order, a permanent
24 or temporary injunction, or other order) as may be

1 necessary to carry out the requirements of this sec-
2 tion.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—In the case of a viola-
5 tion of this section, any person who is aggrieved
6 by such violation may provide written notice of
7 the violation to the chief election official of the
8 State involved.

9 (B) RELIEF.—If the violation is not cor-
10 rected within 20 days after receipt of a notice
11 under subparagraph (A), or within 5 days after
12 receipt of the notice if the violation occurred
13 within 120 days before the date of an election
14 for Federal office, the aggrieved person may, in
15 a civil action, obtain declaratory or injunctive
16 relief with respect to the violation.

17 (C) SPECIAL RULE.—If the violation oc-
18 curred within 5 days before the date of an elec-
19 tion for Federal office, the aggrieved person
20 need not provide notice to the chief election of-
21 ficial of the State involved under subparagraph
22 (A) before bringing a civil action under sub-
23 paragraph (B).

24 (e) DEFINITIONS.—

1 (1) ELECTION FOR FEDERAL OFFICE.—For
2 purposes of this section, the term “election for Fed-
3 eral office” means a general, special, primary, or
4 runoff election for the office of President or Vice
5 President, or of Senator or Representative in, or
6 Delegate or Resident Commissioner to, the Con-
7 gress.

8 (2) STATE.—For purposes of this section, the
9 term “State” includes the District of Columbia, the
10 Commonwealth of Puerto Rico, Guam, American
11 Samoa, the United States Virgin Islands, and the
12 Commonwealth of the Northern Mariana Islands.

13 (f) EFFECTIVE DATE.—This section shall apply with
14 respect to the regularly scheduled general election for Fed-
15 eral office held in November 2020 and each succeeding
16 election for Federal office.

17 **SEC. 160003. EARLY VOTING AND VOTING BY MAIL.**

18 (a) REQUIREMENTS.—Title III of the Help America
19 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
20 by adding at the end the following new subtitle:

21 **“Subtitle C—Other Requirements**

22 **“SEC. 321. EARLY VOTING.**

23 “(a) REQUIRING ALLOWING VOTING PRIOR TO DATE
24 OF ELECTION.—

1 “(1) IN GENERAL.—Each State shall allow indi-
2 viduals to vote in an election for Federal office dur-
3 ing an early voting period which occurs prior to the
4 date of the election, in the same manner as voting
5 is allowed on such date.

6 “(2) LENGTH OF PERIOD.—The early voting
7 period required under this subsection with respect to
8 an election shall consist of a period of consecutive
9 days (including weekends) which begins on the 15th
10 day before the date of the election (or, at the option
11 of the State, on a day prior to the 15th day before
12 the date of the election) and ends on the date of the
13 election.

14 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
15 Each polling place which allows voting during an early vot-
16 ing period under subsection (a) shall—

17 “(1) allow such voting for no less than 10 hours
18 on each day;

19 “(2) have uniform hours each day for which
20 such voting occurs; and

21 “(3) allow such voting to be held for some pe-
22 riod of time prior to 9:00 a.m (local time) and some
23 period of time after 5:00 p.m. (local time).

24 “(c) LOCATION OF POLLING PLACES.—

1 “(1) PROXIMITY TO PUBLIC TRANSPOR-
2 TATION.—To the greatest extent practicable, a State
3 shall ensure that each polling place which allows vot-
4 ing during an early voting period under subsection
5 (a) is located within walking distance of a stop on
6 a public transportation route.

7 “(2) AVAILABILITY IN RURAL AREAS.—The
8 State shall ensure that polling places which allow
9 voting during an early voting period under sub-
10 section (a) will be located in rural areas of the State,
11 and shall ensure that such polling places are located
12 in communities which will provide the greatest op-
13 portunity for residents of rural areas to vote during
14 the early voting period.

15 “(d) STANDARDS.—

16 “(1) IN GENERAL.—The Commission shall issue
17 standards for the administration of voting prior to
18 the day scheduled for a Federal election. Such
19 standards shall include the nondiscriminatory geo-
20 graphic placement of polling places at which such
21 voting occurs.

22 “(2) DEVIATION.—The standards described in
23 paragraph (1) shall permit States, upon providing
24 adequate public notice, to deviate from any require-
25 ment in the case of unforeseen circumstances such

1 as a natural disaster, terrorist attack, or a change
2 in voter turnout.

3 “(e) **BALLOT PROCESSING AND SCANNING REQUIRE-**
4 **MENTS.—**

5 “(1) **IN GENERAL.—**The State shall begin proc-
6 essing and scanning ballots cast during early voting
7 for tabulation at least 14 days prior to the date of
8 the election involved.

9 “(2) **LIMITATION.—**Nothing in this subsection
10 shall be construed to permit a State to tabulate bal-
11 lots in an election before the closing of the polls on
12 the date of the election.

13 “(f) **EFFECTIVE DATE.—**This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2020 and each succeeding
16 election for Federal office.

17 **“SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY**
18 **MAIL.**

19 “(a) **UNIFORM AVAILABILITY OF ABSENTEE VOTING**
20 **TO ALL VOTERS.—**

21 “(1) **IN GENERAL.—**If an individual in a State
22 is eligible to cast a vote in an election for Federal
23 office, the State may not impose any additional con-
24 ditions or requirements on the eligibility of the indi-

1 vidual to cast the vote in such election by absentee
2 ballot by mail.

3 “(2) ADMINISTRATION OF VOTING BY MAIL.—

4 “(A) PROHIBITING IDENTIFICATION RE-
5 QUIREMENT AS CONDITION OF OBTAINING BAL-
6 LOT.—A State may not require an individual to
7 provide any form of identification as a condition
8 of obtaining an absentee ballot, except that
9 nothing in this paragraph may be construed to
10 prevent a State from requiring a signature of
11 the individual or similar affirmation as a condi-
12 tion of obtaining an absentee ballot.

13 “(B) PROHIBITING REQUIREMENT TO PRO-
14 VIDE NOTARIZATION OR WITNESS SIGNATURE
15 AS CONDITION OF OBTAINING OR CASTING BAL-
16 LOT.—A State may not require notarization or
17 witness signature or other formal authentica-
18 tion (other than voter attestation) as a condi-
19 tion of obtaining or casting an absentee ballot.

20 “(C) DEADLINE FOR RETURNING BAL-
21 LOT.—A State may impose a deadline for re-
22 questing the absentee ballot and related voting
23 materials from the appropriate State or local
24 election official and for returning the ballot to
25 the appropriate State or local election official.

1 “(3) APPLICATION FOR ALL FUTURE ELEC-
2 TIONS.—At the option of an individual, a State shall
3 treat the individual’s application to vote by absentee
4 ballot by mail in an election for Federal office as an
5 application to vote by absentee ballot by mail in all
6 subsequent Federal elections held in the State.

7 “(b) DUE PROCESS REQUIREMENTS FOR STATES
8 REQUIRING SIGNATURE VERIFICATION.—

9 “(1) REQUIREMENT.—

10 “(A) IN GENERAL.—A State may not im-
11 pose a signature verification requirement as a
12 condition of accepting and counting an absentee
13 ballot submitted by any individual with respect
14 to an election for Federal office unless the
15 State meets the due process requirements de-
16 scribed in paragraph (2).

17 “(B) SIGNATURE VERIFICATION REQUIRE-
18 MENT DESCRIBED.—In this subsection, a ‘sig-
19 nature verification requirement’ is a require-
20 ment that an election official verify the identi-
21 fication of an individual by comparing the indi-
22 vidual’s signature on the absentee ballot with
23 the individual’s signature on the official list of
24 registered voters in the State or another official

1 record or other document used by the State to
2 verify the signatures of voters.

3 “(2) DUE PROCESS REQUIREMENTS.—

4 “(A) NOTICE AND OPPORTUNITY TO CURE
5 DISCREPANCY.—If an individual submits an ab-
6 sentee ballot and the appropriate State or local
7 election official determines that a discrepancy
8 exists between the signature on such ballot and
9 the signature of such individual on the official
10 list of registered voters in the State or other of-
11 ficial record or document used by the State to
12 verify the signatures of voters, such election of-
13 ficial, prior to making a final determination as
14 to the validity of such ballot, shall—

15 “(i) make a good faith effort to imme-
16 diately notify the individual by mail, tele-
17 phone, and (if available) electronic mail
18 that—

19 “(I) a discrepancy exists between
20 the signature on such ballot and the
21 signature of the individual on the offi-
22 cial list of registered voters in the
23 State, and

24 “(II) if such discrepancy is not
25 cured prior to the expiration of the

1 10-day period which begins on the
2 date the official notifies the individual
3 of the discrepancy, such ballot will not
4 be counted; and

5 “(ii) cure such discrepancy and count
6 the ballot if, prior to the expiration of the
7 10-day period described in clause (i)(II),
8 the individual provides the official with in-
9 formation to cure such discrepancy, either
10 in person, by telephone, or by electronic
11 methods.

12 “(B) NOTICE AND OPPORTUNITY TO PRO-
13 VIDE MISSING SIGNATURE.—If an individual
14 submits an absentee ballot without a signature,
15 the appropriate State or local election official,
16 prior to making a final determination as to the
17 validity of the ballot, shall—

18 “(i) make a good faith effort to imme-
19 diately notify the individual by mail, tele-
20 phone, and (if available) electronic mail
21 that—

22 “(I) the ballot did not include a
23 signature, and

24 “(II) if the individual does not
25 provide the missing signature prior to

1 the expiration of the 10-day period
2 which begins on the date the official
3 notifies the individual that the ballot
4 did not include a signature, such bal-
5 lot will not be counted; and

6 “(ii) count the ballot if, prior to the
7 expiration of the 10-day period described
8 in clause (i)(II), the individual provides the
9 official with the missing signature on a
10 form proscribed by the State.

11 “(C) OTHER REQUIREMENTS.—An election
12 official may not make a determination that a
13 discrepancy exists between the signature on an
14 absentee ballot and the signature of the indi-
15 vidual who submits the ballot on the official list
16 of registered voters in the State or other official
17 record or other document used by the State to
18 verify the signatures of voters unless—

19 “(i) at least 2 election officials make
20 the determination; and

21 “(ii) each official who makes the de-
22 termination has received training in proce-
23 dures used to verify signatures.

24 “(3) REPORT.—

1 “(A) IN GENERAL.—Not later than 120
2 days after the end of a Federal election cycle,
3 each chief State election official shall submit to
4 Congress a report containing the following in-
5 formation for the applicable Federal election
6 cycle in the State:

7 “(i) The number of ballots invalidated
8 due to a discrepancy under this subsection.

9 “(ii) Description of attempts to con-
10 tact voters to provide notice as required by
11 this subsection.

12 “(iii) Description of the cure process
13 developed by such State pursuant to this
14 subsection, including the number of ballots
15 determined valid as a result of such proc-
16 ess.

17 “(B) FEDERAL ELECTION CYCLE DE-
18 FINED.—For purposes of this subsection, the
19 term ‘Federal election cycle’ means the period
20 beginning on January 1 of any odd numbered
21 year and ending on December 31 of the fol-
22 lowing year.

23 “(c) METHODS AND TIMING FOR TRANSMISSION OF
24 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

1 “(1) METHOD FOR REQUESTING BALLOT.—In
2 addition to such other methods as the State may es-
3 tablish for an individual to request an absentee bal-
4 lot, the State shall permit an individual to submit a
5 request for an absentee ballot online. The State shall
6 be considered to meet the requirements of this para-
7 graph if the website of the appropriate State or local
8 election official allows an absentee ballot request ap-
9 plication to be completed and submitted online and
10 if the website permits the individual—

11 “(A) to print the application so that the
12 individual may complete the application and re-
13 turn it to the official; or

14 “(B) request that a paper copy of the ap-
15 plication be transmitted to the individual by
16 mail or electronic mail so that the individual
17 may complete the application and return it to
18 the official.

19 “(2) ENSURING DELIVERY PRIOR TO ELEC-
20 TION.—If an individual requests to vote by absentee
21 ballot in an election for Federal office, the appro-
22 priate State or local election official shall ensure
23 that the ballot and relating voting materials are re-
24 ceived by the individual prior to the date of the elec-
25 tion so long as the individual’s request is received by

1 the official not later than 5 days (excluding Satur-
2 days, Sundays, and legal public holidays) before the
3 date of the election, except that nothing in this para-
4 graph shall preclude a State or local jurisdiction
5 from allowing for the acceptance and processing of
6 ballot requests submitted or received after such re-
7 quired period.

8 “(3) SPECIAL RULES IN CASE OF EMERGENCY
9 PERIODS.—

10 “(A) AUTOMATIC MAILING OF ABSENTEE
11 BALLOTS TO ALL VOTERS.—If the area in which
12 an election is held is in an area in which an
13 emergency or disaster which is described in sub-
14 paragraph (A) or (B) of section 1135(g)(1) of
15 the Social Security Act (42 U.S.C. 1320b-
16 5(g)(1)) is declared during the period described
17 in subparagraph (C)—

18 “(i) paragraphs (1) and (2) shall not
19 apply with respect to the election; and

20 “(ii) not later than 2 weeks before the
21 date of the election, the appropriate State
22 or local election official shall transmit by
23 mail absentee ballots and balloting mate-
24 rials for the election to all individuals who
25 are registered to vote in such election or,

1 in the case of any State that does not reg-
2 ister voters, all individuals who are in the
3 State's central voter file (or if the State
4 does not keep a central voter file, to all in-
5 dividuals who are eligible to vote in such
6 election).

7 “(B) AFFIRMATION.—If an individual re-
8 ceives an absentee ballot from a State or local
9 election official pursuant to subparagraph (A)
10 and returns the voted ballot to the official, the
11 ballot shall not be counted in the election unless
12 the individual includes with the ballot a signed
13 affirmation that—

14 “(i) the individual has not and will
15 not cast another ballot with respect to the
16 election; and

17 “(ii) acknowledges that a material
18 misstatement of fact in completing the bal-
19 lot may constitute grounds for conviction
20 of perjury.

21 “(C) PERIOD DESCRIBED.—The period de-
22 scribed in this subparagraph with respect to an
23 election is the period which begins 120 days be-
24 fore the date of the election and ends 30 days
25 before the date of the election.

1 “(D) APPLICATION TO NOVEMBER 2020
2 GENERAL ELECTION.—Because of the public
3 health emergency declared pursuant to section
4 319 of the Public Health Service Act (42
5 U.S.C. 247d) resulting from the COVID–19
6 pandemic, the special rules set forth in this
7 paragraph shall apply with respect to the regu-
8 larly scheduled general election for Federal of-
9 fice held in November 2020 in each State.

10 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
11 ABILITIES.—The State shall ensure that all absentee bal-
12 lots and related voting materials in elections for Federal
13 office are accessible to individuals with disabilities in a
14 manner that provides the same opportunity for access and
15 participation (including with privacy and independence) as
16 for other voters.

17 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
18 MAILED BALLOTS.—A State may not refuse to accept or
19 process a ballot submitted by an individual by mail with
20 respect to an election for Federal office in the State on
21 the grounds that the individual did not meet a deadline
22 for returning the ballot to the appropriate State or local
23 election official if—

24 “(1) the ballot is postmarked, signed, or other-
25 wise indicated by the United States Postal Service to

1 have been mailed on or before the date of the elec-
2 tion; and

3 “(2) the ballot is received by the appropriate
4 election official prior to the expiration of the 10-day
5 period which begins on the date of the election.

6 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
7 LOTS.—

8 “(1) IN GENERAL.—In addition to permitting
9 an individual to whom a ballot in an election was
10 provided under this section to return the ballot to an
11 election official by mail, the State shall permit the
12 individual to cast the ballot by delivering the ballot
13 at such times and to such locations as the State may
14 establish, including—

15 “(A) permitting the individual to deliver
16 the ballot to a polling place on any date on
17 which voting in the election is held at the poll-
18 ing place; and

19 “(B) permitting the individual to deliver
20 the ballot to a designated ballot drop-off loca-
21 tion.

22 “(2) PERMITTING VOTERS TO DESIGNATE
23 OTHER PERSON TO RETURN BALLOT.—The State—

24 “(A) shall permit a voter to designate any
25 person to return a voted and sealed absentee

1 ballot to the post office, a ballot drop-off loca-
2 tion, tribally designated building, or election of-
3 fice so long as the person designated to return
4 the ballot does not receive any form of com-
5 pensation based on the number of ballots that
6 the person has returned and no individual,
7 group, or organization provides compensation
8 on this basis; and

9 “(B) may not put any limit on how many
10 voted and sealed absentee ballots any des-
11 igned person can return to the post office, a
12 ballot drop off location, tribally designated
13 building, or election office.

14 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
15 MENTS.—

16 “(1) IN GENERAL.—The State shall begin proc-
17 essing and scanning ballots cast by mail for tabula-
18 tion at least 14 days prior to the date of the election
19 involved.

20 “(2) LIMITATION.—Nothing in this subsection
21 shall be construed to permit a State to tabulate bal-
22 lots in an election before the closing of the polls on
23 the date of the election.

24 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to affect the authority of States

1 to conduct elections for Federal office through the use of
2 polling places at which individuals cast ballots.

3 “(i) NO EFFECT ON BALLOTS SUBMITTED BY AB-
4 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
5 this section may be construed to affect the treatment of
6 any ballot submitted by an individual who is entitled to
7 vote by absentee ballot under the Uniformed and Overseas
8 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

9 “(j) EFFECTIVE DATE.—This section shall apply
10 with respect to the regularly scheduled general election for
11 Federal office held in November 2020 and each succeeding
12 election for Federal office.

13 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

14 “(a) REQUIREMENT.—Each State shall carry out a
15 program to track and confirm the receipt of absentee bal-
16 lots in an election for Federal office under which the State
17 or local election official responsible for the receipt of voted
18 absentee ballots in the election carries out procedures to
19 track and confirm the receipt of such ballots, and makes
20 information on the receipt of such ballots available to the
21 individual who cast the ballot, by means of online access
22 using the Internet site of the official’s office.

23 “(b) INFORMATION ON WHETHER VOTE WAS
24 COUNTED.—The information referred to under subsection
25 (a) with respect to the receipt of an absentee ballot shall

1 include information regarding whether the vote cast on the
2 ballot was counted, and, in the case of a vote which was
3 not counted, the reasons therefor.

4 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
5 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
6 lished by a State or local election official whose office does
7 not have an Internet site may meet the requirements of
8 subsection (a) if the official has established a toll-free tele-
9 phone number that may be used by an individual who cast
10 an absentee ballot to obtain the information on the receipt
11 of the voted absentee ballot as provided under such sub-
12 section.

13 “(d) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2020 and each succeeding
16 election for Federal office.

17 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

18 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-
19 LOTS.—

20 “(1) IN GENERAL.—For purposes of section
21 302(a)(4), notwithstanding the precinct or polling
22 place at which a provisional ballot is cast within the
23 State, the appropriate election official shall count
24 each vote on such ballot for each election in which
25 the individual who cast such ballot is eligible to vote.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to the regularly scheduled general
3 election for Federal office held in November 2020
4 and each succeeding election for Federal office.

5 “(b) UNIFORM AND NONDISCRIMINATORY STAND-
6 ARDS.—

7 “(1) IN GENERAL.—Consistent with the re-
8 quirements of section 302, each State shall establish
9 uniform and nondiscriminatory standards for the
10 issuance, handling, and counting of provisional bal-
11 lots.

12 “(2) EFFECTIVE DATE.—This subsection shall
13 apply with respect to the regularly scheduled general
14 election for Federal office held in November 2020
15 and each succeeding election for Federal office.

16 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
17 **MARIANA ISLANDS.**

18 “In this subtitle, the term ‘State’ includes the Com-
19 monwealth of the Northern Mariana Islands.

20 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**
21 **ABILITY OF INDIVIDUALS TO VOTE.**

22 “The requirements of this subtitle are minimum re-
23 quirements, and nothing in this subtitle may be construed
24 to prevent a State from establishing standards which pro-
25 mote the ability of individuals to vote in elections for Fed-

1 eral office, so long as such standards are not inconsistent
2 with the requirements of this subtitle or other Federal
3 laws.”.

4 (b) CONFORMING AMENDMENT RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52
7 U.S.C. 21101(b)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

10 (2) by striking the period at the end of para-
11 graph (3) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(4) in the case of the recommendations with
15 respect to subtitle C, June 30, 2020.”.

16 (c) ENFORCEMENT.—

17 (1) COVERAGE UNDER EXISTING ENFORCE-
18 MENT PROVISIONS.—Section 401 of such Act (52
19 U.S.C. 21111) is amended by striking “and 303”
20 and inserting “303, and subtitle C of title III”.

21 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
22 TION.—Title IV of such (52 U.S.C. 21111 et seq.)
23 is amended by adding at the end the following new
24 section:

1 **“SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF**
2 **CERTAIN REQUIREMENTS.**

3 “(a) IN GENERAL.—In the case of a violation of sub-
4 title C of title III, section 402 shall not apply and any
5 person who is aggrieved by such violation may provide
6 written notice of the violation to the chief election official
7 of the State involved.

8 “(b) RELIEF.—If the violation is not corrected within
9 20 days after receipt of a notice under subsection (a), or
10 within 5 days after receipt of the notice if the violation
11 occurred within 120 days before the date of an election
12 for Federal office, the aggrieved person may, in a civil ac-
13 tion, obtain declaratory or injunctive relief with respect
14 to the violation.

15 “(c) SPECIAL RULE.—If the violation occurred within
16 5 days before the date of an election for Federal office,
17 the aggrieved person need not provide notice to the chief
18 election official of the State involved under subsection (a)
19 before bringing a civil action under subsection (b).”.

20 (d) CLERICAL AMENDMENT.—The table of contents
21 of such Act is amended—

22 (1) by adding at the end of the items relating
23 to title III the following:

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.
“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;
and

1 (2) by adding at the end of the items relating
2 to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

3 **SEC. 160004. PERMITTING USE OF SWORN WRITTEN STATE-**
4 **MENT TO MEET IDENTIFICATION REQUIRE-**
5 **MENTS FOR VOTING.**

6 (a) PERMITTING USE OF STATEMENT.—Subtitle C of
7 title III of the Help America Vote Act of 2002, as added
8 by section 160003(a), is amended—

9 (1) by redesignating sections 325 and 326 as
10 sections 326 and 327; and

11 (2) by inserting after section 324 the following
12 new section:

13 **“SEC. 325. PERMITTING USE OF SWORN WRITTEN STATE-**
14 **MENT TO MEET IDENTIFICATION REQUIRE-**
15 **MENTS.**

16 “(a) USE OF STATEMENT.—

17 “(1) IN GENERAL.—Except as provided in sub-
18 section (c), if a State has in effect a requirement
19 that an individual present identification as a condi-
20 tion of casting a ballot in an election for Federal of-
21 fice, the State shall permit the individual to meet
22 the requirement—

1 “(A) in the case of an individual who de-
2 sires to vote in person, by presenting the appro-
3 priate State or local election official with a
4 sworn written statement, signed by the indi-
5 vidual under penalty of perjury, attesting to the
6 individual’s identity and attesting that the indi-
7 vidual is eligible to vote in the election; or

8 “(B) in the case of an individual who de-
9 sires to vote by mail, by submitting with the
10 ballot the statement described in subparagraph
11 (A).

12 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
13 OF STATEMENT BY COMMISSION.—The Commission
14 shall develop a pre-printed version of the statement
15 described in paragraph (1)(A) which includes a
16 blank space for an individual to provide a name and
17 signature for use by election officials in States which
18 are subject to paragraph (1).

19 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
20 MENT.—A State which is subject to paragraph (1)
21 shall—

22 “(A) make copies of the pre-printed
23 version of the statement described in paragraph
24 (1)(A) which is prepared by the Commission
25 available at polling places for election officials

1 to distribute to individuals who desire to vote in
2 person; and

3 “(B) include a copy of such pre-printed
4 version of the statement with each blank absen-
5 tee or other ballot transmitted to an individual
6 who desires to vote by mail.

7 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
8 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
9 dividual who presents or submits a sworn written state-
10 ment in accordance with subsection (a)(1) shall be per-
11 mitted to cast a ballot in the election in the same manner
12 as an individual who presents identification.

13 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
14 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
15 with respect to any individual described in paragraph (1)
16 of section 303(b) who is required to meet the requirements
17 of paragraph (2) of such section.”.

18 (b) REQUIRING STATES TO INCLUDE INFORMATION
19 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
20 FORMATION MATERIAL POSTED AT POLLING PLACES.—
21 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
22 is amended—

23 (1) by striking “and” at the end of subpara-
24 graph (E);

1 (2) by striking the period at the end of sub-
2 paragraph (F) and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(G) in the case of a State that has in ef-
6 fect a requirement that an individual present
7 identification as a condition of casting a ballot
8 in an election for Federal office, information on
9 how an individual may meet such requirement
10 by presenting a sworn written statement in ac-
11 cordance with section 303A.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 of such Act, as amended by section 160003, is amended—

14 (1) by redesignating the items relating to sec-
15 tions 325 and 326 as relating to sections 326 and
16 327; and

17 (2) by inserting after the item relating to sec-
18 tion 324 the following new item:

“Sec. 325. Permitting use of sworn written statement to meet identification re-
quirements.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to elections occurring
21 on or after the date of the enactment of this Act.

22 **SEC. 160005. VOTING MATERIALS POSTAGE.**

23 (a) PREPAYMENT OF POSTAGE ON RETURN ENVE-
24 LOPES.—

1 (1) IN GENERAL.—Subtitle C of title III of the
2 Help America Vote Act of 2002, as added by section
3 160003(a) and as amended by section 160004(a), is
4 further amended—

5 (A) by redesignating sections 326 and 327
6 as sections 327 and 328; and

7 (B) by inserting after section 325 the fol-
8 lowing new section:

9 **“SEC. 326. PREPAYMENT OF POSTAGE ON RETURN ENVE-**
10 **LOPES FOR VOTING MATERIALS.**

11 “(a) PROVISION OF RETURN ENVELOPES.—The ap-
12 propriate State or local election official shall provide a
13 self-sealing return envelope with—

14 “(1) any voter registration application form
15 transmitted to a registrant by mail;

16 “(2) any application for an absentee ballot
17 transmitted to an applicant by mail; and

18 “(3) any blank absentee ballot transmitted to a
19 voter by mail.

20 “(b) PREPAYMENT OF POSTAGE.—Consistent with
21 regulations of the United States Postal Service, the State
22 or the unit of local government responsible for the admin-
23 istration of the election involved shall prepay the postage
24 on any envelope provided under subsection (a).

1 “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-
2 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-
3 SEAS VOTERS.—Nothing in this section may be construed
4 to affect the treatment of any ballot or balloting materials
5 transmitted to an individual who is entitled to vote by ab-
6 sentee ballot under the Uniformed and Overseas Citizens
7 Absentee Voting Act (52 U.S.C. 20301 et seq.).”.

8 (2) CLERICAL AMENDMENT.—The table of con-
9 tents of such Act, as amended by section 160004(c),
10 is amended—

11 (A) by redesignating the items relating to
12 sections 326 and 327 as relating to sections
13 327 and 328; and

14 (B) by inserting after the item relating to
15 section 325 the following new item:

“Sec. 326. Prepayment of postage on return envelopes for voting materials”.

16 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

17 (1) IN GENERAL.—Chapter 34 of title 39,
18 United States Code, is amended by adding after sec-
19 tion 3406 the following:

20 **“§ 3407. Voting materials**

21 “(a) Any voter registration application, absentee bal-
22 lot application, or absentee ballot with respect to any elec-
23 tion for Federal office shall be carried expeditiously, with
24 postage on the return envelope prepaid by the State or

1 unit of local government responsible for the administration
2 of the election.

3 “(b) As used in this section—

4 “(1) the term ‘absentee ballot’ means any ballot
5 transmitted by a voter by mail in an election for
6 Federal office, but does not include any ballot cov-
7 ered by section 3406; and

8 “(2) the term ‘election for Federal office’ means
9 a general, special, primary, or runoff election for the
10 office of President or Vice President, or of Senator
11 or Representative in, or Delegate or Resident Com-
12 missioner to, the Congress.

13 “(c) Nothing in this section may be construed to af-
14 fect the treatment of any ballot or balloting materials
15 transmitted to an individual who is entitled to vote by ab-
16 sentee ballot under the Uniformed and Overseas Citizens
17 Absentee Voting Act (52 U.S.C. 20301 et seq.).”

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions for chapter 34 of such title is amended by in-
20 serting after the item relating to section 3406 the
21 following:

“3407. Voting materials.”

1 **SEC. 160006. REQUIRING TRANSMISSION OF BLANK ABSEN-**
2 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**
3 **VOTERS.**

4 (a) IN GENERAL.—The Uniformed and Overseas
5 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
6 is amended by inserting after section 103B the following
7 new section:

8 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
9 **TO CERTAIN OTHER VOTERS.**

10 “(a) IN GENERAL.—

11 “(1) STATE RESPONSIBILITIES.—Subject to the
12 provisions of this section, each State shall transmit
13 blank absentee ballots electronically to qualified indi-
14 viduals who request such ballots in the same manner
15 and under the same terms and conditions under
16 which the State transmits such ballots electronically
17 to absent uniformed services voters and overseas vot-
18 ers under the provisions of section 102(f), except
19 that no such marked ballots shall be returned elec-
20 tronically.

21 “(2) REQUIREMENTS.—Any blank absentee bal-
22 lot transmitted to a qualified individual under this
23 section—

24 “(A) must comply with the language re-
25 quirements under section 203 of the Voting
26 Rights Act of 1965 (52 U.S.C. 10503); and

1 “(B) must comply with the disability re-
2 quirements under section 508 of the Rehabilita-
3 tion Act of 1973 (29 U.S.C. 794d).

4 “(3) AFFIRMATION.—The State may not trans-
5 mit a ballot to a qualified individual under this sec-
6 tion unless the individual provides the State with a
7 signed affirmation in electronic form that—

8 “(A) the individual is a qualified individual
9 (as defined in subsection (b));

10 “(B) the individual has not and will not
11 cast another ballot with respect to the election;
12 and

13 “(C) acknowledges that a material
14 misstatement of fact in completing the ballot
15 may constitute grounds for conviction of per-
16 jury.

17 “(4) CLARIFICATION REGARDING FREE POST-
18 AGE.—An absentee ballot obtained by a qualified in-
19 dividual under this section shall be considered bal-
20 lotting materials as defined in section 107 for pur-
21 poses of section 3406 of title 39, United States
22 Code.

23 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
24 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
25 MENTS.—A State shall not refuse to accept and

1 process any otherwise valid blank absentee ballot
2 which was transmitted to a qualified individual
3 under this section and used by the individual to vote
4 in the election solely on the basis of the following:

5 “(A) Notarization or witness signature re-
6 quirements.

7 “(B) Restrictions on paper type, including
8 weight and size.

9 “(C) Restrictions on envelope type, includ-
10 ing weight and size.

11 “(b) QUALIFIED INDIVIDUAL.—

12 “(1) IN GENERAL.—In this section, except as
13 provided in paragraph (2), the term ‘qualified indi-
14 vidual’ means any individual who is otherwise quali-
15 fied to vote in an election for Federal office and who
16 meets any of the following requirements:

17 “(A) The individual—

18 “(i) has previously requested an ab-
19 sentee ballot from the State or jurisdiction
20 in which such individual is registered to
21 vote; and

22 “(ii) has not received such absentee
23 ballot at least 2 days before the date of the
24 election.

25 “(B) The individual—

1 “(i) resides in an area of a State with
2 respect to which an emergency or public
3 health emergency has been declared by the
4 chief executive of the State or of the area
5 involved within 5 days of the date of the
6 election under the laws of the State due to
7 reasons including a natural disaster, in-
8 cluding severe weather, or an infectious
9 disease; and

10 “(ii) has not previously requested an
11 absentee ballot.

12 “(C) The individual expects to be absent
13 from such individual’s jurisdiction on the date
14 of the election due to professional or volunteer
15 service in response to a natural disaster or
16 emergency as described in subparagraph (B).

17 “(D) The individual is hospitalized or ex-
18 pects to be hospitalized on the date of the elec-
19 tion.

20 “(E) The individual is an individual with a
21 disability (as defined in section 3 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12102)) and resides in a State which does not
24 offer voters the ability to use secure and acces-
25 sible remote ballot marking. For purposes of

1 this subparagraph, a State shall permit an indi-
2 vidual to self-certify that the individual is an in-
3 dividual with a disability.

4 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
5 ICES AND OVERSEAS VOTERS.—The term ‘qualified
6 individual’ shall not include an absent uniformed
7 services voter or an overseas voter.

8 “(c) STATE.—For purposes of this section, the term
9 ‘State’ includes the District of Columbia, the Common-
10 wealth of Puerto Rico, Guam, American Samoa, the
11 United States Virgin Islands, and the Commonwealth of
12 the Northern Mariana Islands.

13 “(d) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2020 and each succeeding
16 election for Federal office.”.

17 (b) CONFORMING AMENDMENT.—Section 102(a) of
18 such Act (52 U.S.C. 20302(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (10);

21 (2) by striking the period at the end of para-
22 graph (11) and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(12) meet the requirements of section 103C
2 with respect to the provision of blank absentee bal-
3 lots for the use of qualified individuals described in
4 such section.”.

5 (c) CLERICAL AMENDMENTS.—The table of contents
6 of such Act is amended by inserting the following after
7 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

8 **SEC. 160007. VOTER REGISTRATION.**

9 (a) REQUIRING AVAILABILITY OF INTERNET FOR
10 VOTER REGISTRATION.—

11 (1) REQUIRING AVAILABILITY OF INTERNET
12 FOR REGISTRATION.—The National Voter Registra-
13 tion Act of 1993 (52 U.S.C. 20501 et seq.) is
14 amended by inserting after section 6 the following
15 new section:

16 **“SEC. 6A. INTERNET REGISTRATION.**

17 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
18 ONLINE REGISTRATION.—

19 “(1) AVAILABILITY OF ONLINE REGISTRATION
20 AND CORRECTION OF EXISTING REGISTRATION IN-
21 FORMATION.—Each State, acting through the chief
22 State election official, shall ensure that the following
23 services are available to the public at any time on

1 the official public websites of the appropriate State
2 and local election officials in the State, in the same
3 manner and subject to the same terms and condi-
4 tions as the services provided by voter registration
5 agencies under section 7(a):

6 “(A) Online application for voter registra-
7 tion.

8 “(B) Online assistance to applicants in ap-
9 plying to register to vote.

10 “(C) Online completion and submission by
11 applicants of the mail voter registration applica-
12 tion form prescribed by the Election Assistance
13 Commission pursuant to section 9(a)(2), includ-
14 ing assistance with providing a signature as re-
15 quired under subsection (c).

16 “(D) Online receipt of completed voter reg-
17 istration applications.

18 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
19 A State shall accept an online voter registration applica-
20 tion provided by an individual under this section, and en-
21 sure that the individual is registered to vote in the State,
22 if—

23 “(1) the individual meets the same voter reg-
24 istration requirements applicable to individuals who
25 register to vote by mail in accordance with section

1 6(a)(1) using the mail voter registration application
2 form prescribed by the Election Assistance Commis-
3 sion pursuant to section 9(a)(2); and

4 “(2) the individual meets the requirements of
5 subsection (c) to provide a signature in electronic
6 form (but only in the case of applications submitted
7 during or after the second year in which this section
8 is in effect in the State).

9 “(c) SIGNATURE REQUIREMENTS.—

10 “(1) IN GENERAL.—For purposes of this sec-
11 tion, an individual meets the requirements of this
12 subsection as follows:

13 “(A) In the case of an individual who has
14 a signature on file with a State agency, includ-
15 ing the State motor vehicle authority, that is
16 required to provide voter registration services
17 under this Act or any other law, the individual
18 consents to the transfer of that electronic signa-
19 ture.

20 “(B) If subparagraph (A) does not apply,
21 the individual submits with the application an
22 electronic copy of the individual’s handwritten
23 signature through electronic means.

24 “(C) If subparagraph (A) and subpara-
25 graph (B) do not apply, the individual executes

1 a computerized mark in the signature field on
2 an online voter registration application, in ac-
3 cordance with reasonable security measures es-
4 tablished by the State, but only if the State ac-
5 cepts such mark from the individual.

6 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
7 MEET REQUIREMENT.—If an individual is unable to
8 meet the requirements of paragraph (1), the State
9 shall—

10 “(A) permit the individual to complete all
11 other elements of the online voter registration
12 application;

13 “(B) permit the individual to provide a sig-
14 nature at the time the individual requests a bal-
15 lot in an election (whether the individual re-
16 quests the ballot at a polling place or requests
17 the ballot by mail); and

18 “(C) if the individual carries out the steps
19 described in subparagraph (A) and subpara-
20 graph (B), ensure that the individual is reg-
21 istered to vote in the State.

22 “(3) NOTICE.—The State shall ensure that in-
23 dividuals applying to register to vote online are noti-
24 fied of the requirements of paragraph (1) and of the

1 treatment of individuals unable to meet such re-
2 quirements, as described in paragraph (2).

3 “(d) CONFIRMATION AND DISPOSITION.—

4 “(1) CONFIRMATION OF RECEIPT.—Upon the
5 online submission of a completed voter registration
6 application by an individual under this section, the
7 appropriate State or local election official shall send
8 the individual a notice confirming the State’s receipt
9 of the application and providing instructions on how
10 the individual may check the status of the applica-
11 tion.

12 “(2) NOTICE OF DISPOSITION.—Not later than
13 7 days after the appropriate State or local election
14 official has approved or rejected an application sub-
15 mitted by an individual under this section, the offi-
16 cial shall send the individual a notice of the disposi-
17 tion of the application.

18 “(3) METHOD OF NOTIFICATION.—The appro-
19 priate State or local election official shall send the
20 notices required under this subsection by regular
21 mail and—

22 “(A) in the case of an individual who has
23 provided the official with an electronic mail ad-
24 dress, by electronic mail; and

1 “(B) at the option of an individual, by text
2 message.

3 “(e) PROVISION OF SERVICES IN NONPARTISAN
4 MANNER.—The services made available under subsection
5 (a) shall be provided in a manner that ensures that, con-
6 sistent with section 7(a)(5)—

7 “(1) the online application does not seek to in-
8 fluence an applicant’s political preference or party
9 registration; and

10 “(2) there is no display on the website pro-
11 moting any political preference or party allegiance,
12 except that nothing in this paragraph may be con-
13 strued to prohibit an applicant from registering to
14 vote as a member of a political party.

15 “(f) PROTECTION OF SECURITY OF INFORMATION.—
16 In meeting the requirements of this section, the State shall
17 establish appropriate technological security measures to
18 prevent to the greatest extent practicable any unauthor-
19 ized access to information provided by individuals using
20 the services made available under subsection (a).

21 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
22 sure that the services made available under this section
23 are made available to individuals with disabilities to the
24 same extent as services are made available to all other in-
25 dividuals.

1 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
2 TEM.—A State shall make the services made available on-
3 line under subsection (a) available through the use of an
4 automated telephone-based system, subject to the same
5 terms and conditions applicable under this section to the
6 services made available online, in addition to making the
7 services available online in accordance with the require-
8 ments of this section.

9 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
10 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
11 rying out this Act, the Help America Vote Act of 2002,
12 or any other Federal, State, or local law governing the
13 treatment of registered voters in the State or the adminis-
14 tration of elections for public office in the State, a State
15 shall treat a registered voter who registered to vote online
16 in accordance with this section in the same manner as the
17 State treats a registered voter who registered to vote by
18 mail.”.

19 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
20 USING ONLINE REGISTRATION.—

21 (A) TREATMENT AS INDIVIDUALS REG-
22 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
23 FIRST-TIME VOTER IDENTIFICATION REQUIRE-
24 MENTS.—Section 303(b)(1)(A) of the Help
25 America Vote Act of 2002 (52 U.S.C.

1 21083(b)(1)(A)) is amended by striking “by
2 mail” and inserting “by mail or online under
3 section 6A of the National Voter Registration
4 Act of 1993”.

5 (B) REQUIRING SIGNATURE FOR FIRST-
6 TIME VOTERS IN JURISDICTION.—Section
7 303(b) of such Act (52 U.S.C. 21083(b)) is
8 amended—

9 (i) by redesignating paragraph (5) as
10 paragraph (6); and

11 (ii) by inserting after paragraph (4)
12 the following new paragraph:

13 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
14 TIME VOTERS USING ONLINE REGISTRATION.—

15 “(A) IN GENERAL.—A State shall, in a
16 uniform and nondiscriminatory manner, require
17 an individual to meet the requirements of sub-
18 paragraph (B) if—

19 “(i) the individual registered to vote
20 in the State online under section 6A of the
21 National Voter Registration Act of 1993;
22 and

23 “(ii) the individual has not previously
24 voted in an election for Federal office in
25 the State.

1 “(B) REQUIREMENTS.—An individual
2 meets the requirements of this subparagraph
3 if—

4 “(i) in the case of an individual who
5 votes in person, the individual provides the
6 appropriate State or local election official
7 with a handwritten signature; or

8 “(ii) in the case of an individual who
9 votes by mail, the individual submits with
10 the ballot a handwritten signature.

11 “(C) INAPPLICABILITY.—Subparagraph
12 (A) does not apply in the case of an individual
13 who is—

14 “(i) entitled to vote by absentee ballot
15 under the Uniformed and Overseas Citi-
16 zens Absentee Voting Act (52 U.S.C.
17 20302 et seq.);

18 “(ii) provided the right to vote other-
19 wise than in person under section
20 3(b)(2)(B)(ii) of the Voting Accessibility
21 for the Elderly and Handicapped Act (52
22 U.S.C. 20102(b)(2)(B)(ii)); or

23 “(iii) entitled to vote otherwise than
24 in person under any other Federal law.”.

1 (C) CONFORMING AMENDMENT RELATING
2 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
3 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
4 ed by striking “Each State” and inserting “Ex-
5 cept as provided in subsection (b)(5), each
6 State”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) TIMING OF REGISTRATION.—Section
9 8(a)(1) of the National Voter Registration Act
10 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

11 (i) by striking “and” at the end of
12 subparagraph (C);

13 (ii) by redesignating subparagraph
14 (D) as subparagraph (E); and

15 (iii) by inserting after subparagraph
16 (C) the following new subparagraph:

17 “(D) in the case of online registration
18 through the official public website of an election
19 official under section 6A, if the valid voter reg-
20 istration application is submitted online not
21 later than the lesser of 28 days, or the period
22 provided by State law, before the date of the
23 election (as determined by treating the date on
24 which the application is sent electronically as
25 the date on which it is submitted); and”.

1 (B) INFORMING APPLICANTS OF ELIGI-
2 BILITY REQUIREMENTS AND PENALTIES.—Sec-
3 tion 8(a)(5) of such Act (52 U.S.C.
4 20507(a)(5)) is amended by striking “and 7”
5 and inserting “6A, and 7”.

6 (b) USE OF INTERNET TO UPDATE REGISTRATION
7 INFORMATION.—

8 (1) UPDATES TO INFORMATION CONTAINED ON
9 COMPUTERIZED STATEWIDE VOTER REGISTRATION
10 LIST.—

11 (A) IN GENERAL.—Section 303(a) of the
12 Help America Vote Act of 2002 (52 U.S.C.
13 21083(a)) is amended by adding at the end the
14 following new paragraph:

15 “(6) USE OF INTERNET BY REGISTERED VOT-
16 ERS TO UPDATE INFORMATION.—

17 “(A) IN GENERAL.—The appropriate State
18 or local election official shall ensure that any
19 registered voter on the computerized list may at
20 any time update the voter’s registration infor-
21 mation, including the voter’s address and elec-
22 tronic mail address, online through the official
23 public website of the election official responsible
24 for the maintenance of the list, so long as the
25 voter attests to the contents of the update by

1 providing a signature in electronic form in the
2 same manner required under section 6A(c) of
3 the National Voter Registration Act of 1993.

4 “(B) PROCESSING OF UPDATED INFORMA-
5 TION BY ELECTION OFFICIALS.—If a registered
6 voter updates registration information under
7 subparagraph (A), the appropriate State or
8 local election official shall—

9 “(i) revise any information on the
10 computerized list to reflect the update
11 made by the voter; and

12 “(ii) if the updated registration infor-
13 mation affects the voter’s eligibility to vote
14 in an election for Federal office, ensure
15 that the information is processed with re-
16 spect to the election if the voter updates
17 the information not later than the lesser of
18 7 days, or the period provided by State
19 law, before the date of the election.

20 “(C) CONFIRMATION AND DISPOSITION.—

21 “(i) CONFIRMATION OF RECEIPT.—
22 Upon the online submission of updated
23 registration information by an individual
24 under this paragraph, the appropriate
25 State or local election official shall send

1 the individual a notice confirming the
2 State’s receipt of the updated information
3 and providing instructions on how the indi-
4 vidual may check the status of the update.

5 “(ii) NOTICE OF DISPOSITION.—Not
6 later than 7 days after the appropriate
7 State or local election official has accepted
8 or rejected updated information submitted
9 by an individual under this paragraph, the
10 official shall send the individual a notice of
11 the disposition of the update.

12 “(iii) METHOD OF NOTIFICATION.—
13 The appropriate State or local election offi-
14 cial shall send the notices required under
15 this subparagraph by regular mail and—

16 “(I) in the case of an individual
17 who has requested that the State pro-
18 vide voter registration and voting in-
19 formation through electronic mail, by
20 electronic mail; and

21 “(II) at the option of an indi-
22 vidual, by text message.”.

23 (B) CONFORMING AMENDMENT RELATING
24 TO EFFECTIVE DATE.—Section 303(d)(1)(A) of
25 such Act (52 U.S.C. 21083(d)(1)(A)) is amend-

1 ed by striking “subparagraph (B),” and insert-
2 ing “subparagraph (B) and subsection (a)(6),”.

3 (2) ABILITY OF REGISTRANT TO USE ONLINE
4 UPDATE TO PROVIDE INFORMATION ON RESI-
5 DENCE.—Section 8(d)(2)(A) of the National Voter
6 Registration Act of 1993 (52 U.S.C.
7 20507(d)(2)(A)) is amended—

8 (A) in the first sentence, by inserting after
9 “return the card” the following: “or update the
10 registrant’s information on the computerized
11 Statewide voter registration list using the online
12 method provided under section 303(a)(6) of the
13 Help America Vote Act of 2002”; and

14 (B) in the second sentence, by striking
15 “returned,” and inserting the following: “re-
16 turned or if the registrant does not update the
17 registrant’s information on the computerized
18 Statewide voter registration list using such on-
19 line method,”.

20 (c) SAME DAY REGISTRATION.—

21 (1) IN GENERAL.—Subtitle C of title III of the
22 Help America Vote Act of 2002, as added by section
23 160003(a) and as amended by sections 160004(a)
24 and 160005(a), is further amended—

1 (A) by redesignating sections 327 and 328
2 as sections 328 and 329; and

3 (B) by inserting after section 326 the fol-
4 lowing new section:

5 **“SEC. 327. SAME DAY REGISTRATION.**

6 “(a) IN GENERAL.—

7 “(1) REGISTRATION.—Each State shall permit
8 any eligible individual on the day of a Federal elec-
9 tion and on any day when voting, including early
10 voting, is permitted for a Federal election—

11 “(A) to register to vote in such election at
12 the polling place using a form that meets the
13 requirements under section 9(b) of the National
14 Voter Registration Act of 1993 (or, if the indi-
15 vidual is already registered to vote, to revise
16 any of the individual’s voter registration infor-
17 mation); and

18 “(B) to cast a vote in such election.

19 “(2) EXCEPTION.—The requirements under
20 paragraph (1) shall not apply to a State in which,
21 under a State law in effect continuously on and after
22 the date of the enactment of this section, there is no
23 voter registration requirement for individuals in the
24 State with respect to elections for Federal office.

1 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
2 section, the term ‘eligible individual’ means, with respect
3 to any election for Federal office, an individual who is oth-
4 erwise qualified to vote in that election.

5 “(c) EFFECTIVE DATE.—Each State shall be re-
6 quired to comply with the requirements of subsection (a)
7 for the regularly scheduled general election for Federal of-
8 fice occurring in November 2020 and for any subsequent
9 election for Federal office.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of such Act, as added by section 160003 and
12 as amended by sections 160004 and 160005, is fur-
13 ther amended—

14 (A) by redesignating the items relating to
15 sections 327 and 328 as relating to sections
16 328 and 329; and

17 (B) by inserting after the item relating to
18 section 326 the following new item:

“Sec. 327. Same day registration.”.

19 (d) PROHIBITING STATE FROM REQUIRING APPLI-
20 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-
21 CIAL SECURITY NUMBER.—

22 (1) FORM INCLUDED WITH APPLICATION FOR
23 MOTOR VEHICLE DRIVER’S LICENSE.—Section
24 5(c)(2)(B)(ii) of the National Voter Registration Act
25 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended

1 by striking the semicolon at the end and inserting
2 the following: “, and to the extent that the applica-
3 tion requires the applicant to provide a Social Secu-
4 rity number, may not require the applicant to pro-
5 vide more than the last 4 digits of such number;”.

6 (2) NATIONAL MAIL VOTER REGISTRATION
7 FORM.—Section 9(b)(1) of such Act (52 U.S.C.
8 20508(b)(1)) is amended by striking the semicolon
9 at the end and inserting the following: “, and to the
10 extent that the form requires the applicant to pro-
11 vide a Social Security number, the form may not re-
12 quire the applicant to provide more than the last 4
13 digits of such number;”.

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall apply with respect to the
16 regularly scheduled general election for Federal of-
17 fice held in November 2020 and each succeeding
18 election for Federal office.

19 **SEC. 160008. ACCOMMODATIONS FOR VOTERS RESIDING IN**
20 **INDIAN LANDS.**

21 (a) ACCOMMODATIONS DESCRIBED.—

22 (1) DESIGNATION OF BALLOT PICKUP AND COL-
23 LECTION LOCATIONS.—Given the widespread lack of
24 residential mail delivery in Indian Country, an In-
25 dian Tribe may designate buildings as ballot pickup

1 and collection locations with respect to an election
2 for Federal office at no cost to the Indian Tribe. An
3 Indian Tribe may designate one building per pre-
4 cinct located within Indian lands. The applicable
5 State or political subdivision shall collect ballots
6 from those locations. The applicable State or polit-
7 ical subdivision shall provide the Indian Tribe with
8 accurate precinct maps for all precincts located with-
9 in Indian lands 60 days before the election.

10 (2) PROVISION OF MAIL-IN AND ABSENTEE
11 BALLOTS.—The State or political subdivision shall
12 provide mail-in and absentee ballots with respect to
13 an election for Federal office to each individual who
14 is registered to vote in the election who resides on
15 Indian lands in the State or political subdivision in-
16 volved without requiring a residential address or a
17 mail-in or absentee ballot request.

18 (3) USE OF DESIGNATED BUILDING AS RESI-
19 DENTIAL AND MAILING ADDRESS.—The address of a
20 designated building that is a ballot pickup and col-
21 lection location with respect to an election for Fed-
22 eral office may serve as the residential address and
23 mailing address for voters living on Indian lands if
24 the tribally designated building is in the same pre-
25 cinct as that voter. If there is no tribally designated

1 building within a voter's precinct, the voter may use
2 another tribally designated building within the In-
3 dian lands where the voter is located. Voters using
4 a tribally designated building outside of the voter's
5 precinct may use the tribally designated building as
6 a mailing address and may separately designate the
7 voter's appropriate precinct through a description of
8 the voter's address, as specified in section
9 9428.4(a)(2) of title 11, Code of Federal Regula-
10 tions.

11 (4) LANGUAGE ACCESSIBILITY.—In the case of
12 a State or political subdivision that is a covered
13 State or political subdivision under section 203 of
14 the Voting Rights Act of 1965 (52 U.S.C. 10503),
15 that State or political subdivision shall provide ab-
16 sentee or mail-in voting materials with respect to an
17 election for Federal office in the language of the ap-
18 plicable minority group as well as in the English lan-
19 guage, bilingual election voting assistance, and writ-
20 ten translations of all voting materials in the lan-
21 guage of the applicable minority group, as required
22 by section 203 of the Voting Rights Act of 1965 (52
23 U.S.C. 10503), as amended by subsection (b).

24 (5) CLARIFICATION.—Nothing in this section
25 alters the ability of an individual voter residing on

1 Indian lands to request a ballot in a manner avail-
2 able to all other voters in the State.

3 (6) DEFINITIONS.—In this section:

4 (A) ELECTION FOR FEDERAL OFFICE.—

5 The term “election for Federal office” means a
6 general, special, primary or runoff election for
7 the office of President or Vice President, or of
8 Senator or Representative in, or Delegate or
9 Resident Commissioner to, the Congress.

10 (B) INDIAN.—The term “Indian” has the
11 meaning given the term in section 4 of the In-
12 dian Self-Determination and Education Assist-
13 ance Act (25 U.S.C. 5304).

14 (C) INDIAN LANDS.—The term “Indian
15 lands” includes—

16 (i) any Indian country of an Indian
17 Tribe, as defined under section 1151 of
18 title 18, United States Code;

19 (ii) any land in Alaska owned, pursu-
20 ant to the Alaska Native Claims Settle-
21 ment Act (43 U.S.C. 1601 et seq.), by an
22 Indian Tribe that is a Native village (as
23 defined in section 3 of that Act (43 U.S.C.
24 1602)) or by a Village Corporation that is
25 associated with an Indian Tribe (as de-

1 fined in section 3 of that Act (43 U.S.C.
2 1602));

3 (iii) any land on which the seat of the
4 Tribal Government is located; and

5 (iv) any land that is part or all of a
6 Tribal designated statistical area associ-
7 ated with an Indian Tribe, or is part or all
8 of an Alaska Native village statistical area
9 associated with an Indian Tribe, as defined
10 by the Census Bureau for the purposes of
11 the most recent decennial census.

12 (D) INDIAN TRIBE.—The term “Indian
13 Tribe” has the meaning given the term “Indian
14 tribe” in section 4 of the Indian Self-Deter-
15 mination and Education Assistance Act (25
16 U.S.C. 5304).

17 (E) TRIBAL GOVERNMENT.—The term
18 “Tribal Government” means the recognized
19 governing body of an Indian Tribe.

20 (7) ENFORCEMENT.—

21 (A) ATTORNEY GENERAL.—The Attorney
22 General may bring a civil action in an appro-
23 priate district court for such declaratory or in-
24 junctive relief as is necessary to carry out this
25 subsection.

1 (B) PRIVATE RIGHT OF ACTION.—

2 (i) A person or Tribal Government
3 who is aggrieved by a violation of this sub-
4 section may provide written notice of the
5 violation to the chief election official of the
6 State involved.

7 (ii) An aggrieved person or Tribal
8 Government may bring a civil action in an
9 appropriate district court for declaratory
10 or injunctive relief with respect to a viola-
11 tion of this subsection, if—

12 (I) that person or Tribal Govern-
13 ment provides the notice described in
14 clause (i); and

15 (II)(aa) in the case of a violation
16 that occurs more than 120 days be-
17 fore the date of an election for Fed-
18 eral office, the violation remains and
19 90 days or more have passed since the
20 date on which the chief election offi-
21 cial of the State receives the notice
22 under clause (i); or

23 (bb) in the case of a violation
24 that occurs 120 days or less before
25 the date of an election for Federal of-

1 fice, the violation remains and 20
2 days or more have passed since the
3 date on which the chief election offi-
4 cial of the State receives the notice
5 under clause (i).

6 (iii) In the case of a violation of this
7 section that occurs 30 days or less before
8 the date of an election for Federal office,
9 an aggrieved person or Tribal Government
10 may bring a civil action in an appropriate
11 district court for declaratory or injunctive
12 relief with respect to the violation without
13 providing notice to the chief election offi-
14 cial of the State under clause (i).

15 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
16 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
17 is amended—

18 (1) in subsection (b)(3)(C), by striking “1990”
19 and inserting “2010”; and

20 (2) by striking subsection (e) and inserting the
21 following:

22 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
23 GUAGE OF A MINORITY GROUP.—

24 “(1) IN GENERAL.—Whenever any State or po-
25 litical subdivision subject to the prohibition of sub-

1 section (b) of this section provides any registration
2 or voting notices, forms, instructions, assistance, or
3 other materials or information relating to the elec-
4 toral process, including ballots, it shall provide them
5 in the language of the applicable minority group as
6 well as in the English language.

7 “(2) EXCEPTIONS.—

8 “(A) In the case of a minority group that
9 is not American Indian or Alaska Native and
10 the language of that minority group is oral or
11 unwritten, the State or political subdivision
12 shall only be required to furnish, in the covered
13 language, oral instructions, assistance, trans-
14 lation of voting materials, or other information
15 relating to registration and voting.

16 “(B) In the case of a minority group that
17 is American Indian or Alaska Native, the State
18 or political subdivision shall only be required to
19 furnish in the covered language oral instruc-
20 tions, assistance, or other information relating
21 to registration and voting, including all voting
22 materials, if the Tribal Government of that mi-
23 nority group has certified that the language of
24 the applicable American Indian or Alaska Na-
25 tive language is presently unwritten or the

1 Tribal Government does not want written trans-
2 lations in the minority language.

3 “(3) WRITTEN TRANSLATIONS FOR ELECTION
4 WORKERS.—Notwithstanding paragraph (2), the
5 State or political division may be required to provide
6 written translations of voting materials, with the
7 consent of any applicable Indian Tribe, to election
8 workers to ensure that the translations from English
9 to the language of a minority group are complete,
10 accurate, and uniform.”.

11 (c) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall apply with respect to the
13 regularly scheduled general election for Federal office held
14 in November 2020 and each succeeding election for Fed-
15 eral office.

16 **SEC. 160009. PAYMENTS BY ELECTION ASSISTANCE COM-**
17 **MISSION TO STATES TO ASSIST WITH COSTS**
18 **OF COMPLIANCE.**

19 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
20 II of the Help America Vote Act of 2002 (52 U.S.C.
21 21001 et seq.) is amended by adding at the end the fol-
22 lowing new part:

1 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**
2 **COMPLIANCE WITH ACCESS ACT**

3 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**
4 **ANCE WITH ACCESS ACT.**

5 “(a) AVAILABILITY AND USE OF PAYMENTS.—

6 “(1) IN GENERAL.—The Commission shall
7 make a payment to each eligible State to assist the
8 State with the costs of complying with the American
9 Coronavirus/COVID–19 Election Safety and Secu-
10 rity Act and the amendments made by such Act, in-
11 cluding the provisions of such Act and such amend-
12 ments which require States to pre-pay the postage
13 on absentee ballots and balloting materials.

14 “(2) PUBLIC EDUCATION CAMPAIGNS.—For
15 purposes of this part, the costs incurred by a State
16 in carrying out a campaign to educate the public
17 about the requirements of the American
18 Coronavirus/COVID–19 Election Safety and Secu-
19 rity Act and the amendments made by such Act
20 shall be included as the costs of complying with such
21 Act and such amendments.

22 “(b) PRIMARY ELECTIONS.—

23 “(1) PAYMENTS TO STATES.—In addition to
24 any payments under subsection (a), the Commission
25 shall make a payment to each eligible State to assist
26 the State with the costs incurred in voluntarily elect-

1 ing to comply with the American Coronavirus/
2 COVID–19 Election Safety and Security Act and
3 the amendments made by such Act with respect to
4 primary elections for Federal office held in the State
5 in 2020.

6 “(2) STATE PARTY-RUN PRIMARIES.—In addi-
7 tion to any payments under paragraph (1), the Com-
8 mission shall make payments to each eligible polit-
9 ical party of the State for costs incurred by such
10 parties to send absentee ballots and return envelopes
11 with prepaid postage to eligible voters participating
12 in such primaries during 2020.

13 “(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-
14 TIONS.—

15 “(1) IN GENERAL.—If a State receives a pay-
16 ment under this part for costs that include costs in-
17 curred by a local jurisdiction or Tribal government
18 within the State, the State shall pass through to
19 such local jurisdiction or Tribal government a por-
20 tion of such payment that is equal to the amount of
21 the costs incurred by such local jurisdiction or Trib-
22 al government.

23 “(2) TRIBAL GOVERNMENT DEFINED.—In this
24 subsection, the term ‘Tribal Government’ means the
25 recognized governing body of an Indian tribe (as de-

1 fined in section 4 of the Indian Self-Determination
2 and Education Assistance Act (25 U.S.C. 5304).

3 “(d) SCHEDULE OF PAYMENTS.—As soon as prac-
4 ticable after the date of the enactment of this part and
5 not less frequently than once each calendar year there-
6 after, the Commission shall make payments under this
7 part.

8 “(e) COVERAGE OF COMMONWEALTH OF NORTHERN
9 MARIANA ISLANDS.—In this part, the term ‘State’ in-
10 cludes the Commonwealth of the Northern Mariana Is-
11 lands.

12 “(f) LIMITATION.—No funds may be provided to a
13 State under this part for costs attributable to the elec-
14 tronic return of marked ballots by any voter.

15 **“SEC. 297A. AMOUNT OF PAYMENT.**

16 “(a) IN GENERAL.—Except as provided in section
17 297C, the amount of a payment made to an eligible State
18 for a year under this part shall be determined by the Com-
19 mission.

20 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
21 APPROPRIATION.—A payment made to an eligible State
22 or eligible unit of local government under this part shall
23 be available without fiscal year limitation.

1 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

2 “(a) APPLICATION.—Except as provided in section
3 297C, each State that desires to receive a payment under
4 this part for a fiscal year, and each political party of a
5 State that desires to receive a payment under section
6 297(b)(2), shall submit an application for the payment to
7 the Commission at such time and in such manner and con-
8 taining such information as the Commission shall require.

9 “(b) CONTENTS OF APPLICATION.—Each application
10 submitted under subsection (a) shall—

11 “(1) describe the activities for which assistance
12 under this part is sought; and

13 “(2) provide such additional information and
14 certifications as the Commission determines to be es-
15 sential to ensure compliance with the requirements
16 of this part.

17 **“SEC. 297C. SPECIAL RULES FOR PAYMENTS FOR ELEC-**
18 **TIONS SUBJECT TO EMERGENCY RULES.**

19 “(a) SUBMISSION OF ESTIMATED COSTS.—If the spe-
20 cial rules in the case of an emergency period under section
21 322(c)(3) apply to an election, not later than the applica-
22 ble deadline under subsection (c), the State shall submit
23 to the Commission a request for a payment under this
24 part, and shall include in the request the State’s estimate
25 of the costs the State expects to incur in the administra-

1 tion of the election which are attributable to the applica-
2 tion of such special rules to the election.

3 “(b) PAYMENT.—Not later than 7 days after receiv-
4 ing a request from the State under subsection (a), the
5 Commission shall make a payment to the State in an
6 amount equal to the estimate provided by the State in the
7 request.

8 “(c) APPLICABLE DEADLINE.—The applicable dead-
9 line under this paragraph with respect to an election is—

10 “(1) with respect to the regularly scheduled
11 general election for Federal office held in November
12 2020, 15 days after the date of the enactment of
13 this part; and

14 “(2) with respect to any other election, 15 days
15 after the emergency or disaster described in section
16 322(c)(3) is declared.

17 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated for pay-
19 ments under this part—

20 “(1) in the case of payments made under sec-
21 tion 297C, such sums as may be necessary for fiscal
22 year 2020 and each succeeding fiscal year; and

23 “(2) in the case of any other payments, such
24 sums as may be necessary for fiscal year 2020.

1 **“SEC. 297E. REPORTS.**

2 “(a) **REPORTS BY RECIPIENTS.**—Not later than 6
3 months after the end of each fiscal year for which an eligi-
4 ble State received a payment under this part, the State
5 shall submit a report to the Commission on the activities
6 conducted with the funds provided during the year.

7 “(b) **REPORTS BY COMMISSION TO COMMITTEES.**—
8 With respect to each fiscal year for which the Commission
9 makes payments under this part, the Commission shall
10 submit a report on the activities carried out under this
11 part to the Committee on House Administration of the
12 House of Representatives and the Committee on Rules
13 and Administration of the Senate.”.

14 (b) **CLERICAL AMENDMENT.**—The table of contents
15 of such Act is amended by adding at the end of the items
16 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH
ACCESS ACT

“Sec. 297. Payments to assist with costs of compliance with Access Act.

“Sec. 297A. Amount of payment.

“Sec. 297B. Requirements for eligibility.

“Sec. 297C. Authorization of appropriations.

“Sec. 297D. Reports.”.

17 **SEC. 160010. GRANTS TO STATES FOR CONDUCTING RISK-**
18 **LIMITING AUDITS OF RESULTS OF ELEC-**
19 **TIONS.**

20 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
21 II of the Help America Vote Act of 2002 (52 U.S.C.

1 21001 et seq.), as amended by section 160009(a), is fur-
2 ther amended by adding at the end the following new part:

3 **“PART 8—GRANTS FOR CONDUCTING RISK-**
4 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
5 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
6 **DITS OF RESULTS OF ELECTIONS.**

7 “(a) AVAILABILITY OF GRANTS.—The Commission
8 shall make a grant to each eligible State to conduct risk-
9 limiting audits as described in subsection (b) with respect
10 to the regularly scheduled general elections for Federal of-
11 fice held in November 2020 and each succeeding election
12 for Federal office.

13 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
14 part, a ‘risk-limiting audit’ is a post-election process—

15 “(1) which is conducted in accordance with
16 rules and procedures established by the chief State
17 election official of the State which meet the require-
18 ments of subsection (c); and

19 “(2) under which, if the reported outcome of
20 the election is incorrect, there is at least a predeter-
21 mined percentage chance that the audit will replace
22 the incorrect outcome with the correct outcome as
23 determined by a full, hand-to-eye tabulation of all
24 votes validly cast in that election that ascertains

1 voter intent manually and directly from voter-
2 verifiable paper records.

3 “(c) REQUIREMENTS FOR RULES AND PROCE-
4 DURES.—The rules and procedures established for con-
5 ducting a risk-limiting audit shall include the following
6 elements:

7 “(1) Rules for ensuring the security of ballots
8 and documenting that prescribed procedures were
9 followed.

10 “(2) Rules and procedures for ensuring the ac-
11 curacy of ballot manifests produced by election agen-
12 cies.

13 “(3) Rules and procedures for governing the
14 format of ballot manifests, cast vote records, and
15 other data involved in the audit.

16 “(4) Methods to ensure that any cast vote
17 records used in the audit are those used by the vot-
18 ing system to tally the election results sent to the
19 chief State election official and made public.

20 “(5) Procedures for the random selection of
21 ballots to be inspected manually during each audit.

22 “(6) Rules for the calculations and other meth-
23 ods to be used in the audit and to determine wheth-
24 er and when the audit of an election is complete.

1 “(7) Procedures and requirements for testing
2 any software used to conduct risk-limiting audits.

3 “(d) DEFINITIONS.—In this part, the following defi-
4 nitions apply:

5 “(1) The term ‘ballot manifest’ means a record
6 maintained by each election agency that meets each
7 of the following requirements:

8 “(A) The record is created without reliance
9 on any part of the voting system used to tab-
10 ulate votes.

11 “(B) The record functions as a sampling
12 frame for conducting a risk-limiting audit.

13 “(C) The record contains the following in-
14 formation with respect to the ballots cast and
15 counted in the election:

16 “(i) The total number of ballots cast
17 and counted by the agency (including
18 undervotes, overvotes, and other invalid
19 votes).

20 “(ii) The total number of ballots cast
21 in each election administered by the agency
22 (including undervotes, overvotes, and other
23 invalid votes).

24 “(iii) A precise description of the
25 manner in which the ballots are physically

1 stored, including the total number of phys-
2 ical groups of ballots, the numbering sys-
3 tem for each group, a unique label for each
4 group, and the number of ballots in each
5 such group.

6 “(2) The term ‘incorrect outcome’ means an
7 outcome that differs from the outcome that would be
8 determined by a full tabulation of all votes validly
9 cast in the election, determining voter intent manu-
10 ally, directly from voter-verifiable paper records.

11 “(3) The term ‘outcome’ means the winner of
12 an election, whether a candidate or a position.

13 “(4) The term ‘reported outcome’ means the
14 outcome of an election which is determined accord-
15 ing to the canvass and which will become the official,
16 certified outcome unless it is revised by an audit, re-
17 count, or other legal process.

18 **“SEC. 298A. ELIGIBILITY OF STATES.**

19 “A State is eligible to receive a grant under this part
20 if the State submits to the Commission, at such time and
21 in such form as the Commission may require, an applica-
22 tion containing—

23 “(1) a certification that, not later than 5 years
24 after receiving the grant, the State will conduct risk-

1 limiting audits of the results of elections for Federal
2 office held in the State as described in section 298;

3 “(2) a certification that, not later than one year
4 after the date of the enactment of this section, the
5 chief State election official of the State has estab-
6 lished or will establish the rules and procedures for
7 conducting the audits which meet the requirements
8 of section 298(c);

9 “(3) a certification that the audit shall be com-
10 pleted not later than the date on which the State
11 certifies the results of the election;

12 “(4) a certification that, after completing the
13 audit, the State shall publish a report on the results
14 of the audit, together with such information as nec-
15 essary to confirm that the audit was conducted prop-
16 erly;

17 “(5) a certification that, if a risk-limiting audit
18 conducted under this part leads to a full manual
19 tally of an election, State law requires that the State
20 or election agency shall use the results of the full
21 manual tally as the official results of the election;
22 and

23 “(6) such other information and assurances as
24 the Commission may require.

1 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated for grants
3 under this part \$20,000,000 for fiscal year 2020, to re-
4 main available until expended.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of such Act, as amended by section 160009(b), is further
7 amended by adding at the end of the items relating to
8 subtitle D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

9 (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

10 (1) ANALYSIS.—Not later than 6 months after
11 the first election for Federal office is held after
12 grants are first awarded to States for conducting
13 risk-limiting audits under part 8 of subtitle D of
14 title II of the Help America Vote Act of 2002 (as
15 added by subsection (a)) for conducting risk-limiting
16 audits of elections for Federal office, the Comp-
17 troller General of the United States shall conduct an
18 analysis of the extent to which such audits have im-
19 proved the administration of such elections and the
20 security of election infrastructure in the States re-
21 ceiving such grants.

1 (2) REPORT.—The Comptroller General of the
2 United States shall submit a report on the analysis
3 conducted under subsection (a) to the appropriate
4 congressional committees.

5 **SEC. 160011. ADDITIONAL APPROPRIATIONS FOR THE**
6 **ELECTION ASSISTANCE COMMISSION.**

7 (a) IN GENERAL.—In addition to any funds other-
8 wise appropriated to the Election Assistance Commission
9 for fiscal year 2020, there is authorized to be appropriated
10 \$3,000,000 for fiscal year 2020 in order for the Commis-
11 sion to provide additional assistance and resources to
12 States for improving the administration of elections.

13 (b) AVAILABILITY OF FUNDS.—Amounts appro-
14 priated pursuant to the authorization under this sub-
15 section shall remain available without fiscal year limita-
16 tion.

17 **SEC. 160012. DEFINITION.**

18 (a) DEFINITION OF ELECTION FOR FEDERAL OF-
19 FICE.—Title IX of the Help America Vote Act of 2002
20 (52 U.S.C. 21141 et seq.) is amended by adding at the
21 end the following new section:

22 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

23 “For purposes of titles I through III, the term ‘elec-
24 tion for Federal office’ means a general, special, primary,
25 or runoff election for the office of President or Vice Presi-

1 dent, or of Senator or Representative in, or Delegate or
2 Resident Commissioner to, the Congress.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act is amended by adding at the end of the items
5 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

1 **DIVISION Q—COVID-19 HEROES FUND**

2 **SEC. 170001. SHORT TITLE.**

3 This Act may be cited as the “COVID-19 Heroes
4 Fund Act of 2020”.

5 **TITLE I—PROVISIONS RELATING**
6 **TO STATE, LOCAL, TRIBAL,**
7 **AND PRIVATE SECTOR WORK-**
8 **ERS**

9 **SEC. 170101. DEFINITIONS.**

10 In this title:

11 (1) COVID-19 PUBLIC HEALTH EMERGENCY.—

12 The term “COVID-19 Public Health Emergency”
13 means the public health emergency first declared on
14 January 31, 2020, by the Secretary of Health and
15 Human Services under section 319 of the Public
16 Health Service Act (42 U.S.C. 247d) with respect to
17 COVID-19.

18 (2) EMPLOYEE.—Except as provided in para-
19 graph (3)(C)(iii), the term “employee” means an in-
20 dividual (not employed by an entity excluded from
21 the definition of the term “employer” for purposes
22 of this title under paragraph (3)(B)) who is—

23 (A) an employee, as defined in section 3(e)
24 of the Fair Labor Standards Act of 1938 (29
25 U.S.C. 203(e)), except that a reference in such

1 section 3(e) to an employer shall be considered
2 to be a reference to an employer described in
3 clauses (i)(I) and (ii) of paragraph (3)(A);

4 (B) a State employee described in section
5 304(a) of the Government Employee Rights Act
6 of 1991 (42 U.S.C. 2000e-16c(a)); or

7 (C) an employee of a Tribal employer.

8 (3) EMPLOYER.—

9 (A) IN GENERAL.—The term “employer”
10 means, except as provided in subparagraph (B),
11 a person who is—

12 (i)(I) a covered employer, as defined
13 in subparagraph (C);

14 (II) an entity employing a State em-
15 ployee described in section 304(a) of the
16 Government Employee Rights Act of 1991;
17 or

18 (III) a Tribal employer; and

19 (ii) engaged in commerce (including
20 government), or an industry or activity af-
21 fecting commerce (including government).

22 (B) EXCLUSION OF EXECUTIVE, LEGISLA-
23 TIVE, AND JUDICIAL ENTITIES COVERED UNDER
24 TITLE II.—The term “employer” does not in-
25 clude—

1 (i) any agency, as defined in section
2 201(1), except, only as provided in section
3 102(g)(2), the VA Office of Geriatrics &
4 Extended Care of the Veterans Health Ad-
5 ministration; or

6 (ii) the Postal Regulatory Commis-
7 sion.

8 (C) COVERED EMPLOYER.—

9 (i) IN GENERAL.—In subparagraph
10 (A)(i)(I), the term “covered employer”—

11 (I) means any person engaged in
12 commerce (including government), or
13 in any industry or activity affecting
14 commerce (including government),
15 who employs 1 or more employees;

16 (II) includes—

17 (aa) any person who acts di-
18 rectly or indirectly in the interest
19 of (within the meaning of section
20 3(d) of the Fair Labor Standards
21 Act of 1938 (29 U.S.C. 203(d))
22 an employer in relation to any of
23 the employees of such employer;
24 and

1 (bb) any successor in inter-
2 est of an employer;

3 (III) except as provided in sub-
4 paragraph (B), includes any public
5 agency, as defined in section 3(x) of
6 the Fair Labor Standards Act of
7 1938 (29 U.S.C. 203(x));

8 (IV) includes any person de-
9 scribed in subclause (I) who conducts
10 business as a not-for-profit organiza-
11 tion;

12 (V) includes—

13 (aa) an entity or person that
14 contracts directly with a State,
15 locality, Tribal government, or
16 the Federal Government, to pro-
17 vide care (which may include
18 items and services) through em-
19 ployees of such entity or person
20 to individuals under the Medicare
21 program under title XVIII of the
22 Social Security Act (42 U.S.C.
23 1395 et seq.), under a State
24 Medicaid plan under title XIX of
25 such Act (42 U.S.C. 1396 et

1 seq.) or under a waiver of such
2 plan, or under any other program
3 established or administered by a
4 State, locality, Tribal govern-
5 ment, or the Federal Govern-
6 ment;

7 (bb) a subcontractor of an
8 entity or person described in item
9 (aa);

10 (cc) an individual client (or
11 a representative on behalf of an
12 individual client), an entity, or a
13 person, that employs an indi-
14 vidual to provide care (which may
15 include items and services) to the
16 individual client under a self-di-
17 rected service delivery model
18 through a program established or
19 administered by a State, locality,
20 Tribal government, or the Fed-
21 eral Government; or

22 (dd) an individual client (or
23 a representative on behalf of an
24 individual client) that, on their
25 own accord, employs an indi-

1 individual to provide care (which may
2 include items and services) to the
3 individual client using the indi-
4 vidual client's own finances;

5 (VI) includes the United States
6 Postal Service;

7 (VII) includes a nonappropriated
8 fund instrumentality under the juris-
9 diction of the Armed Forces; and

10 (VIII) includes, only with respect
11 to section 102(g)(2), the VA Office of
12 Geriatrics & Extended Care of the
13 Veterans Health Administration.

14 (ii) PUBLIC AGENCY.—For purposes
15 of this title, a public agency shall be con-
16 sidered to be a person engaged in com-
17 merce or in an industry or activity affect-
18 ing commerce.

19 (iii) DEFINITION OF EMPLOYEE.—For
20 purposes of clause (i), the term “em-
21 ployee” has the meaning given such term
22 in section 3(e), except such term does not
23 include any individual employed by entity
24 excluded from the definition of the term

1 “employer” for purposes of this title under
2 subparagraph (B).

3 (D) PREDECESSORS.—Any reference in
4 this paragraph to an employer shall include a
5 reference to any predecessor of such employer.

6 (E) DEFINITION OF COMMERCE.—For pur-
7 poses of this paragraph, the terms “commerce”
8 and “industry or activity affecting com-
9 merce”—

10 (i) mean any activity, business, or in-
11 dustry in commerce or in which a labor
12 dispute would hinder or obstruct commerce
13 or the free flow of commerce;

14 (ii) include commerce and any indus-
15 try affecting commerce, as such terms are
16 defined in paragraphs (1) and (3) of sec-
17 tion 501 of the Labor Management Rela-
18 tions Act, 1947 (29 U.S.C. 142(1) and
19 (3)); and

20 (iii) include commerce, as defined in
21 section 3(b) of the Fair Labor Standards
22 Act of 1938 (29 U.S.C. 203(b)) and as de-
23 scribed in section 2(a) of such Act (29
24 U.S.C. 202(a)).

1 (4) EMPLOYER PAYROLL TAXES.—The term
2 “employer payroll taxes” means—

3 (A) taxes imposed under sections 3111(b),
4 3221(a) (but only to the extent attributable to
5 the portion of such tax attributable to the tax
6 imposed by section 3111(b)), 3221(b), and
7 3301 of the Internal Revenue Code of 1986;
8 and

9 (B) taxes imposed by a State or local gov-
10 ernment on an employer with respect to
11 amounts paid by such employer for work by em-
12 ployees.

13 (5) ESSENTIAL WORK.—The term “essential
14 work” means any work that—

15 (A) is performed during the period that be-
16 gins on January 27, 2020 and ends 60 days
17 after the last day of the COVID–19 Public
18 Health Emergency;

19 (B) is not performed while teleworking
20 from a residence;

21 (C) involves—

22 (i) regular in-person interactions
23 with—

24 (I) patients;

25 (II) the public; or

1 (III) coworkers of the individual
2 performing the work; or

3 (ii) regular physical handling of items
4 that were handled by, or are to be handled
5 by—

6 (I) patients;

7 (II) the public; or

8 (III) coworkers of the individual
9 performing the work; and

10 (D) is in any of the following areas:

11 (i) First responder work, in the public
12 sector or private sector, including services
13 in response to emergencies that have the
14 potential to cause death or serious bodily
15 injury, such as police, fire, emergency med-
16 ical, protective, child maltreatment, domes-
17 tic violence, and correctional services (in-
18 cluding activities carried out by employees
19 in fire protection activities, as defined in
20 section 3(y) of the Fair Labor Standards
21 Act of 1938 (29 U.S.C. 203(y)) and activi-
22 ties of law enforcement officers, as defined
23 in section 1204(6) of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (34
25 U.S.C. 10284(6)).

1 (ii) Health care work physically pro-
2 vided in inpatient settings (including hos-
3 pitals and other inpatient post-acute care
4 settings such as nursing homes, inpatient
5 rehabilitation facilities, and other related
6 settings) and other work physically per-
7 formed in such inpatient settings that sup-
8 ports or is in furtherance of such health
9 care work physically provided in inpatient
10 settings.

11 (iii) Health care work physically pro-
12 vided in outpatient settings (including at
13 physician offices, community health cen-
14 ters, rural health clinics and other clinics,
15 hospital outpatient departments, free-
16 standing emergency departments, ambula-
17 tory surgical centers, and other related set-
18 tings), and other work physically per-
19 formed in such inpatient settings that sup-
20 ports or is in furtherance of such health
21 care work physically provided in outpatient
22 settings.

23 (iv) Pharmacy work, physically per-
24 formed in pharmacies, drug stores, or

1 other retail facilities specializing in medical
2 goods and supplies.

3 (v) Any work physically performed in
4 a facility that performs medical testing and
5 diagnostic services, including laboratory
6 processing, medical testing services, or re-
7 lated activities.

8 (vi) Home and community-based
9 work, including home health care, residen-
10 tial care, assistance with activities of daily
11 living, and any services provided by direct
12 care workers (as defined in section 799B
13 of the Public Health Service Act (42
14 U.S.C. 295p)), personal care aides, job
15 coaches, or supported employment pro-
16 viders, and any other provision of care to
17 individuals in their homes by direct service
18 providers, personal care attendants, and
19 home health aides.

20 (vii) Biomedical research regarding
21 SARS-CoV-2 and COVID-19 that in-
22 volves the handling of hazardous materials
23 such as COVID-19 samples.

24 (viii) Behavioral health work requiring
25 physical interaction with individuals, in-

1 including mental health services and sub-
2 stance use disorder prevention, treatment,
3 and recovery services.

4 (ix) Nursing care and residential care
5 work physically provided in a facility.

6 (x) Family care, including child care
7 services, in-home child care services such
8 as nanny services, and care services pro-
9 vided by family members to other family
10 members.

11 (xi) Social services work, including so-
12 cial work, case management, social and
13 human services, child welfare, family serv-
14 ices, shelter and services for people who
15 have experienced intimate partner violence
16 or sexual assault, services for individuals
17 who are homeless, child services, commu-
18 nity food and housing services, and other
19 emergency social services.

20 (xii) Public health work conducted at
21 State, local, territorial, and Tribal govern-
22 ment public health agencies, including epi-
23 demiological activities, surveillance, contact
24 tracing, data analysis, statistical research,

1 health education, and other disease detec-
2 tion, prevention, and response methods.

3 (xiii) Tribal vital services, as defined
4 by the Commissioner of the Administration
5 for Native Americans in consultation with
6 Tribal governments and after conferring
7 with urban Indian organizations.

8 (xiv) Grocery work physically per-
9 formed at grocery stores, supermarkets,
10 convenience stores, corner stores, drug
11 stores, retail facilities specializing in med-
12 ical goods and supplies, bodegas, and other
13 locations where individuals purchase non-
14 prepared food items.

15 (xv) Restaurant work, including carry-
16 out, drive-thru, or food delivery work, re-
17 quiring physical interaction with individ-
18 uals or food products.

19 (xvi) Food production work involving
20 the physical interaction with food products,
21 including all agricultural work, farming,
22 fishing, forestry, ranching, processing, can-
23 ning, slaughtering, packaging, baking,
24 butchering, and other food production
25 work, such as any service or activity in-

1 cluded within the provisions of section 3(f)
2 of the Fair Labor Standards Act of 1938
3 (29 U.S.C. 203(f)), or section 3121(g) of
4 the Internal Revenue Code of 1986, and
5 the handling, planting, drying, packing,
6 packaging, processing, freezing, or grading
7 prior to delivery for storage of any agricul-
8 tural or horticultural commodity in its un-
9 manufactured state.

10 (xvii) Transportation work, includ-
11 ing—

12 (I) any services in public trans-
13 portation, as defined in section
14 5302(14) of title 49, United States
15 Code;

16 (II) any private transportation of
17 people, such as transportation pro-
18 vided by air, rail, bus, taxicab, per-
19 sonal car or truck, non-motorized ve-
20 hicle, or otherwise, including all serv-
21 ices performed by individuals working
22 in or on such vehicles, vehicle depots,
23 or transit facilities;

24 (III) any private transportation
25 of goods in bulk, including transpor-

1 tation via heavy or light truck, rail,
2 air, or otherwise;

3 (IV) any public or private trans-
4 portation of mail or packages;

5 (V) any private transportation of
6 food or other goods to individuals, in-
7 cluding in a personal car or truck,
8 non-motorized vehicle, or otherwise;

9 (VI) any services in passenger
10 rail transportation, including com-
11 muter rail, intercity passenger rail, or
12 Amtrak, including services performed
13 by employees of contractors of such
14 entities;

15 (VII) any services in the trans-
16 portation of persons, property, or mail
17 by an aircraft of an air carrier con-
18 ducting operations under part 121 of
19 title 14, Code of Federal Regulations
20 (or successor regulations), or a for-
21 eign air carrier within, to, or from the
22 United States, either on board an air-
23 craft or on the ground at an airport,
24 including services performed by em-
25 ployees of contractors of air carriers,

1 or foreign air carriers, as described in
2 section 4111(3) of the CARES Act
3 (Public Law 116–136);

4 (VIII) any services as an aircraft
5 mechanic or technician who performs
6 maintenance, repair, or overhaul work
7 on an aircraft of an air carrier con-
8 ducting operations under such part
9 121 or foreign air carrier within the
10 United States;

11 (IX) services as maritime work-
12 ers who qualify as seamen under sec-
13 tion 10101(3) of title 46, United
14 States Code, and other maritime em-
15 ployees including—

16 (aa) longshoremen, harbor
17 workers and shipbuilders covered
18 under section 2(3) of the
19 Longshore and Harbor Workers’
20 Compensation Act (33 U.S.C.
21 902(3)) involved in the transpor-
22 tation of merchandise or pas-
23 sengers by water; and

24 (bb) shipbuilders and ship
25 repairers who are working for an

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1 employer performing shipbuilding
2 or ship repair work under con-
3 tract or subcontract to the De-
4 partments of Defense, Energy or
5 Homeland Security for military
6 or other national security pur-
7 poses; and

8 (X) services as maritime trans-
9 portation workers supporting or ena-
10 bling transportation functions, includ-
11 ing such services as—

12 (aa) barge workers, tug op-
13 erators, and port and facility se-
14 curity personnel;

15 (bb) marine dispatchers; and

16 (cc) workers who repair and
17 maintain marine vessels (includ-
18 ing the equipment and infra-
19 structure that enables operations
20 that encompass movement of
21 cargo and passengers).

22 (xviii) Work physically performed in a
23 warehouse or other facility in warehousing
24 (including all services performed by indi-
25 viduals picking, sorting, packing, and ship-

1 ping in warehouses), storage, distribution,
2 or call center support facilities, and other
3 essential operational support functions that
4 are necessary to accept, store, and process
5 goods, and that facilitate the goods' trans-
6 portation and delivery.

7 (xix) Cleaning work and building
8 maintenance work physically performed on
9 the grounds of a facility, including all cus-
10 todial or janitorial services, security serv-
11 ices, and repair and maintenance services.

12 (xx) Work in the collection, removal,
13 transport, storage, or disposal of residen-
14 tial, industrial, or commercial solid waste
15 and recycling, including services provided
16 by individuals who drive waste or recycling
17 trucks, who pick up waste or recycling
18 from residential or commercial locations,
19 or who work at waste or recycling centers
20 or landfills.

21 (xxi) Work in the gathering, proc-
22 essing, disseminating, and delivery of news
23 and information that serves the public in-
24 terest to the public through mass media,
25 including television, radio, and newspapers.

1 (xxii) Any work performed by an em-
2 ployee of a State, locality, or Tribal gov-
3 ernment, that is determined to be essential
4 work by the highest authority of such
5 State, locality, or Tribal government.

6 (xxiii) Educational work, school nutri-
7 tion work, and other work required to op-
8 erate a school facility, including early
9 childhood programs, preschool programs,
10 elementary and secondary education, and
11 higher education.

12 (xxiv) Laundry work, including work
13 in laundromats, laundry service companies,
14 and dry cleaners.

15 (xxv) Elections work physically per-
16 formed at polling places or otherwise
17 amongst the public, including public-sector
18 elections personnel and private-sector elec-
19 tions personnel.

20 (xxvi) Hazardous materials manage-
21 ment, response, and cleanup work associ-
22 ated with any other essential work covered
23 under this paragraph, including health
24 care waste (including medical, pharma-
25 ceuticals, and medical material produc-

1 tion), and testing operations (including
2 laboratories processing test kits).

3 (xxvii) Disinfection work for all facili-
4 ties and modes of transportation involved
5 in other essential work covered under this
6 paragraph.

7 (xxviii) Work in critical clinical re-
8 search, development, and testing necessary
9 for COVID–19 response that involves
10 physical interaction with hazardous mate-
11 rials, such as samples of COVID–19.

12 (xxix) Work in mortuary, funeral, cre-
13 mation, burial, cemetery, and related serv-
14 ices.

15 (xxx) Work requiring physical inter-
16 actions with patients in physical therapy,
17 occupational therapy, speech-language pa-
18 thology, and respiratory therapy and other
19 therapy services.

20 (xxxi) Dental care work requiring
21 physical interaction with patients.

22 (xxxii) Work performed by employees
23 of the U.S. Postal Service.

1 (xxxiii) Work at hotel and commercial
2 lodging facilities that are used for COVID-
3 19 mitigation and containment measures.

4 (6) ESSENTIAL WORKER.—

5 (A) IN GENERAL.—The term “essential
6 worker” means an individual, whose work and
7 duties include essential work, and who is—

8 (i) an employee of an employer; or

9 (ii) an individual performing any serv-
10 ices or labor for remuneration for an em-
11 ployer, regardless of whether the individual
12 is classified as an independent contractor
13 by the employer.

14 (B) IMMIGRATION STATUS.—Such term in-
15 cludes an individual regardless of the individ-
16 ual’s immigration status.

17 (7) ESSENTIAL WORK EMPLOYER.—The term
18 “essential work employer” means an employer who
19 employs, or provides remuneration for services or
20 labor to, an essential worker.

21 (8) FLSA TERMS.—The terms “employ”, “per-
22 son”, “regular rate”, and “State” have the mean-
23 ings given the terms in section 3 of the Fair Labor
24 Standards Act of 1938 (29 U.S.C. 203).

1 (9) HIGHLY-COMPENSATED ESSENTIAL WORK-
2 ER.—The term “highly-compensated essential work-
3 er” means an essential worker who is paid the equiv-
4 alent of \$200,000 or more per year by an essential
5 work employer.

6 (10) LARGE ESSENTIAL WORK EMPLOYER.—
7 The term “large essential work employer” means an
8 essential work employer who has more than 500 in-
9 dividuals who are employed by the employer or are
10 otherwise providing services or labor for remunera-
11 tion for the employer.

12 (11) SELF-DIRECTED CARE WORKER.—The
13 term “self-directed care worker” means an indi-
14 vidual employed to provide care (which may include
15 items and services) to an individual client—

16 (A) under a self-directed service delivery
17 model through a program established or admin-
18 istered by a State, locality, Tribal government,
19 or the Federal Government; or

20 (B) on the individual client’s own accord
21 and using the individual client’s own finances.

22 (12) TRIBAL EMPLOYER.—The term “Tribal
23 employer” means—

24 (A) any Tribal government, a subdivision
25 of a Tribal government (determined in accord-

1 ance with section 7871(d) of the Internal Rev-
2 enue Code), or an agency or instrumentality of
3 a Tribal government or subdivision thereof;

4 (B) any Tribal organization (as the term
5 “tribal organization” is defined in section 4(l)
6 of the Indian Self-Determination and Education
7 Assistance Act (25 U.S.C. 5304(l));

8 (C) any corporation if more than 50 per-
9 cent (determined by vote and value) of the out-
10 standing stock of such corporation is owned, di-
11 rectly or indirectly, by any entity described in
12 subparagraph (A) or (B); or

13 (D) any partnership if more than 50 per-
14 cent of the value of the capital and profits in-
15 terests of such partnership is owned, directly or
16 indirectly, by any entity described in subpara-
17 graph (A) or (B).

18 (13) TRIBAL GOVERNMENT.—The term “Tribal
19 government” means the recognized governing body
20 of any Indian or Alaska Native tribe, band, nation,
21 pueblo, village, community, component band, or com-
22 ponent reservation individually identified (including
23 parenthetically) in the list published most recently as
24 of the date of enactment of this Act pursuant to sec-

1 tion 104 of the Federally Recognized Indian Tribe
2 List Act of 1994 (25 U.S.C. 5131).

3 (14) WORK.—The term “work” means employ-
4 ment by, or engagement in providing labor or serv-
5 ices for, an employer.

6 **SEC. 170102. PANDEMIC PREMIUM PAY FOR ESSENTIAL**
7 **WORKERS.**

8 (a) IN GENERAL.— Beginning 3 days after an essen-
9 tial work employer receives a grant under section 104
10 from the Secretary of the Treasury, the essential work em-
11 ployer shall—

12 (1) be required to comply with subsections (b)
13 through (h); and

14 (2) be subject to the enforcement requirements
15 of section 105.

16 (b) PANDEMIC PREMIUM PAY.—

17 (1) IN GENERAL.—An essential work employer
18 receiving a grant under section 104 shall, in accord-
19 ance with this subsection, provide each essential
20 worker of the essential work employer with premium
21 pay at a rate equal to \$13 for each hour of work
22 performed by the essential worker for the employer
23 from January 27, 2020, until the date that is 60
24 days after the last day of the COVID–19 Public
25 Health Emergency.

1 (2) MAXIMUM AMOUNTS.—The total amount of
2 all premium pay under this subsection that an essen-
3 tial work employer is required to provide to an es-
4 sential worker, including through any retroactive
5 payment under paragraph (3), shall not exceed—

6 (A) for an essential worker who is not a
7 highly-compensated essential worker, \$10,000
8 reduced by employer payroll taxes with respect
9 to such premium pay; or

10 (B) for a highly-compensated essential
11 worker, \$5,000 reduced by employer payroll
12 taxes with respect to such premium pay.

13 (3) RETROACTIVE PAYMENT.—For all work
14 performed by an essential worker during the period
15 from January 27, 2020, through the date on which
16 the essential work employer of the worker receives a
17 grant under this title, the essential work employer
18 shall use a portion of the amount of such grant to
19 provide such worker with premium pay under this
20 subsection for such work at the rate provided under
21 paragraph (1). Such amount shall be provided to the
22 essential worker as a lump sum in the next paycheck
23 (or other payment form) that immediately follows
24 the receipt of the grant by the essential work em-
25 ployer. In any case where it is impossible for the em-

1 ployer to arrange for payment of the amount due in
2 such paycheck (or other payment form), such
3 amounts shall be paid as soon as practicable, but in
4 no event later than the second paycheck (or other
5 payment form) following the receipt of the grant by
6 the essential work employer.

7 (4) NO EMPLOYER DISCRETION.—An essential
8 work employer receiving a grant under section 104
9 shall not have any discretion to determine which
10 portions of work performed by an essential worker
11 qualify for premium pay under this subsection, but
12 shall pay such premium pay for any increment of
13 time worked by the essential worker for the essential
14 work employer up to the maximum amount applica-
15 ble to the essential worker under paragraph (2).

16 (c) PROHIBITION ON REDUCING COMPENSATION AND
17 DISPLACEMENT.—

18 (1) IN GENERAL.—Any payments made to an
19 essential worker as premium pay under subsection
20 (b) shall be in addition to all other compensation, in-
21 cluding all wages, remuneration, or other pay and
22 benefits, that the essential worker otherwise receives
23 from the essential work employer.

24 (2) REDUCTION OF COMPENSATION.—An essen-
25 tial work employer receiving a grant under section

1 104 shall not, during the period beginning on the
2 date of enactment of this Act and ending on the
3 date that is 60 days after the last day of the
4 COVID–19 Public Health Emergency, reduce or in
5 any other way diminish, any other compensation, in-
6 cluding the wages, remuneration, or other pay or
7 benefits, that the essential work employer provided
8 to the essential worker on the day before the date
9 of enactment of this Act.

10 (3) DISPLACEMENT.—An essential work em-
11 ployer shall not take any action to displace an essen-
12 tial worker (including partial displacement such as a
13 reduction in hours, wages, or employment benefits)
14 for purposes of hiring an individual for an equivalent
15 position at a rate of compensation that is less than
16 is required to be provided to an essential worker
17 under paragraph (2).

18 (d) DEMARCATION FROM OTHER COMPENSATION.—
19 The amount of any premium pay paid under subsection
20 (b) shall be clearly demarcated as a separate line item in
21 each paystub or other document provided to an essential
22 worker that details the remuneration the essential worker
23 received from the essential work employer for a particular
24 period of time. If any essential worker does not otherwise
25 regularly receive any such paystub or other document from

1 the employer, the essential work employer shall provide
2 such paystub or other document to the essential worker
3 for the duration of the period in which the essential work
4 employer provides premium pay under subsection (b).

5 (e) EXCLUSION FROM WAGE-BASED CALCULA-
6 TIONS.—Any premium pay under subsection (b) paid to
7 an essential worker under this section by an essential work
8 employer receiving a grant under section 104 shall be ex-
9 cluded from the amount of remuneration for work paid
10 to the essential worker for purposes of—

11 (1) calculating the essential worker’s eligibility
12 for any wage-based benefits offered by the essential
13 work employer;

14 (2) computing the regular rate at which such
15 essential worker is employed under section 7 of the
16 Fair Labor Standards Act of 1938 (29 U.S.C. 207);
17 and

18 (3) determining whether such essential worker
19 is exempt from application of such section 7 under
20 section 13(a)(1) of such Act (29 U.S.C. 213(a)(1)).

21 (f) ESSENTIAL WORKER DEATH.—

22 (1) IN GENERAL.—In any case in which an es-
23 sential worker of an essential work employer receiv-
24 ing a grant under section 104 exhibits symptoms of
25 COVID–19 and dies, the essential work employer

1 shall pay as a lump sum to the next of kin of the
2 essential worker for premium pay under subsection
3 (b)—

4 (A) for an essential worker who is not a
5 highly-compensated essential worker, the
6 amount determined under subsection (b)(2)(A)
7 minus the total amount of any premium pay the
8 worker received under subsection (b) prior to
9 the death; or

10 (B) for a highly-compensated essential
11 worker, the amount determined under sub-
12 section (b)(2)(B) minus the amount of any pre-
13 mium pay the worker received under subsection
14 (b) prior to the death.

15 (2) TREATMENT OF LUMP SUM PAYMENTS.—

16 (A) TREATMENT AS PREMIUM PAY.—For
17 purposes of this title, any payment made under
18 this subsection shall be treated as a premium
19 pay under subsection (b).

20 (B) TREATMENT FOR PURPOSES OF IN-
21 TERNAL REVENUE CODE OF 1986.—For pur-
22 poses of the Internal Revenue Code of 1986,
23 any payment made under this subsection shall
24 be treated as a payment for work performed by
25 the essential worker.

1 (g) APPLICATION TO SELF-DIRECTED CARE WORK-
2 ERS FUNDED THROUGH MEDICAID OR THE VETERAN-DI-
3 RECTED CARE PROGRAM.—

4 (1) MEDICAID.—In the case of an essential
5 work employer receiving a grant under section 104
6 that is a covered employer described in section
7 101(3)(C)(i)(V) who, under a State Medicaid plan
8 under title XIX of the Social Security Act (42
9 U.S.C. 1396 et seq.) or under a waiver of such plan,
10 has opted to receive items or services using a self-
11 directed service delivery model, the preceding re-
12 quirements of this section, including the require-
13 ments to provide premium pay under subsection (b)
14 (including a lump sum payment in the event of an
15 essential worker death under subsection (f)) and the
16 requirements of sections 104 and 105, shall apply to
17 the State Medicaid agency responsible for the ad-
18 ministration of such plan or waiver with respect to
19 self-directed care workers employed by that em-
20 ployer. In administering payments made under this
21 title to such self-directed care workers on behalf of
22 such employers, a State Medicaid agency shall—

23 (A) exclude and disregard any payments
24 made under this title to such self-directed work-
25 ers from the individualized budget that applies

1 to the items or services furnished to the indi-
2 vidual client employer under the State Medicaid
3 plan or waiver;

4 (B) to the extent practicable, administer
5 and provide payments under this title directly
6 to such self-directed workers through arrange-
7 ments with entities that provide financial man-
8 agement services in connection with the self-di-
9 rected service delivery models used under the
10 State Medicaid plan or waiver; and

11 (C) ensure that individual client employers
12 of such self-directed workers are provided notice
13 of, and comply with, the prohibition under sec-
14 tion 105(b)(1)(B).

15 (2) VETERAN-DIRECTED CARE PROGRAM.—In
16 the case of an essential work employer that is a cov-
17 ered employer described in section 101(3)(C)(i)(V)
18 who is a veteran participating in the Veteran Di-
19 rected Care program administered by the VA Office
20 of Geriatrics & Extended Care of the Veterans
21 Health Administration, the preceding requirements
22 of this section and sections 104 and 105, shall apply
23 to such VA Office of Geriatrics & Extended Care
24 with respect to self-directed care workers employed
25 by that employer. Paragraph (1) of this subsection

1 shall apply to the administration by the VA Office
2 of Geriatrics & Extended Care of payments made
3 under this title to such self-directed care workers on
4 behalf of such employers in the same manner as
5 such requirements apply to State Medicaid agencies.

6 (3) PENALTY ENFORCEMENT.—The Secretary
7 of Labor shall consult with the Secretary of Health
8 and Human Services and the Secretary of Veterans
9 Affairs regarding the enforcement of penalties im-
10 posed under section 105(b)(2) with respect to viola-
11 tions of subparagraph (A) or (B) of section
12 105(b)(1) that involve self-directed workers for
13 which the requirements of this section and sections
14 104 and 105 are applied to a State Medicaid agency
15 under paragraph (1) or the VA Office of Geriatrics
16 & Extended Care under paragraph (2).

17 (h) INTERACTION WITH STAFFORD ACT.—Nothing
18 in this section shall nullify, supersede, or otherwise change
19 a State’s ability to seek reimbursement under section 403
20 of the Robert T. Stafford Disaster Relief and Emergency
21 Assistance Act (42 U.S.C. 5170b) for the costs of pre-
22 mium pay based on pre-disaster labor policies for eligible
23 employees.

24 (i) CALCULATION OF PAID LEAVE UNDER FFCRA
25 AND FMLA.—

1 (1) FAMILIES FIRST CORONAVIRUS RESPONSE
2 ACT.—Section 5110(5)(B) of the Families First
3 Coronavirus Response Act (29 U.S.C. 2601 note) is
4 amended by adding at the end the following:

5 “(iii) PANDEMIC PREMIUM PAY.—
6 Compensation received by an employee
7 under section 102(b) of the COVID–19
8 Heroes Fund Act of 2020 shall be included
9 as remuneration for employment paid to
10 the employee for purposes of computing
11 the regular rate at which such employee is
12 employed.”.

13 (2) FAMILY AND MEDICAL LEAVE ACT OF
14 1993.—Section 110(b)(2)(B) of the Family and Med-
15 ical Leave Act of 1993 (29 U.S.C. 2620(b)(2)(B)) is
16 amended by adding at the end the following:

17 “(iii) PANDEMIC PREMIUM PAY.—
18 Compensation received by an employee
19 under section 102(b) of the COVID–19
20 Heroes Fund Act of 2020 shall be included
21 as remuneration for employment paid to
22 the employee for purposes of computing
23 the regular rate at which such employee is
24 employed.”.

1 **SEC. 170103. COVID-19 HEROES FUND.**

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury of the United States a fund to be known as the
4 “COVID-19 Heroes Fund” (referred to in this section as
5 the “Fund”), consisting of amounts appropriated to the
6 fund under section 107.

7 (b) FUND ADMINISTRATION.—The Fund shall be ad-
8 ministered by the Secretary of the Treasury.

9 (c) USE OF FUNDS.—Amounts in the Fund shall be
10 available to the Secretary of the Treasury for carrying out
11 section 104.

12 **SEC. 170104. COVID-19 HEROES FUND GRANTS.**

13 (a) GRANTS.—

14 (1) FOR PANDEMIC PREMIUM PAY.—The Sec-
15 retary of the Treasury shall award a grant to each
16 essential work employer that applies for a grant, in
17 accordance with this section, for the purpose of pro-
18 viding premium pay to essential workers under sec-
19 tion 102(b), including amounts paid under section
20 102(f).

21 (2) ELIGIBILITY.—

22 (A) ELIGIBLE EMPLOYERS GENERALLY.—

23 Any essential work employer shall be eligible for
24 a grant under paragraph (1).

25 (B) SELF-DIRECTED CARE WORKERS.—A

26 self-directed care worker employed by an essen-

1 tial work employer other than an essential work
2 employer described in section 102(g), shall be
3 eligible to apply for a grant under paragraph
4 (1) in the same manner as an essential work
5 employer. Such a worker shall provide premium
6 pay to himself or herself in accordance with this
7 section, including the recordkeeping and refund
8 requirements of this section.

9 (b) AMOUNT OF GRANTS.—

10 (1) IN GENERAL.—The maximum amount avail-
11 able for making a grant under subsection (a)(1) to
12 an essential work employer shall be equal to the sum
13 of—

14 (A) the amount obtained by multiplying
15 \$10,000 by the number of essential workers the
16 employer certifies, in the application submitted
17 under subsection (c)(1), as employing, or pro-
18 viding remuneration to for services or labor,
19 who are paid wages or remuneration by the em-
20 ployer at a rate that is less than the equivalent
21 of \$200,000 per year; and

22 (B) the amount obtained by multiplying
23 \$5,000 by the number of highly-compensated
24 essential workers the employer certifies, in the
25 application submitted under subsection (c)(1),

1 as employing, or providing remuneration to for
2 services or labor, who are paid wages or remuneration by the employer at a rate that is equal
3 to or greater than the equivalent of \$200,000
4 per year.

6 (2) NO PARTIAL GRANTS.—The Secretary of
7 the Treasury shall not award a grant under this section in an amount less than the maximum described
8 in paragraph (1).

10 (c) GRANT APPLICATION AND DISBURSAL.—

11 (1) APPLICATION.—Any essential work employer seeking a grant under subsection (a)(1) shall
12 submit an application to the Secretary of the Treasury at such time, in such manner, and complete with
13 such information as the Secretary may require.

16 (2) NOTICE AND CERTIFICATION.—

17 (A) IN GENERAL.—The Secretary of the
18 Treasury shall, within 15 days after receiving a
19 complete application from an essential work employer eligible for a grant under this section—

21 (i) notify the employer of the Secretary's findings with respect to the requirements for the grant; and

24 (ii)(I) if the Secretary finds that the
25 essential work employer meets the require-

1 ments under this section for a grant under
2 subsection (a), provide a certification to
3 the employer—

4 (aa) that the employer has met
5 such requirements;

6 (bb) of the amount of the grant
7 payment that the Secretary has deter-
8 mined the employer shall receive
9 based on the requirements under this
10 section; or

11 (II) if the Secretary finds that the es-
12 sential work employer does not meet the
13 requirements under this section for a grant
14 under subsection (a), provide a notice of
15 denial stating the reasons for the denial
16 and provide an opportunity for administra-
17 tive review by not later than 10 days after
18 the denial.

19 (B) TRANSFER.—Not later than 7 days
20 after making a certification under subpara-
21 graph (A)(ii) with respect to an essential work
22 employer, the Secretary of the Treasury shall
23 make the appropriate transfer to the employer
24 of the amount of the grant.

25 (d) USE OF FUNDS.—

1 (1) IN GENERAL.—An essential work employer
2 receiving a grant under this section shall use the
3 amount of the grant solely for the following pur-
4 poses:

5 (A) Providing premium pay under section
6 102(b) to essential workers in accordance with
7 the requirements for such payments under such
8 section, including providing payments described
9 in section 102(f) to the next of kin of essential
10 workers in accordance with the requirements
11 for such payments under such section.

12 (B) Paying employer payroll taxes with re-
13 spect to premium pay amounts described in
14 subparagraph (A), including such payments de-
15 scribed in section 102(f).

16 Each dollar of a grant received by an essential work
17 employer under this title shall be used as provided
18 in subparagraph (A) or (B) or returned to the Sec-
19 retary of the Treasury.

20 (2) NO OTHER USES AUTHORIZED.—An essen-
21 tial work employer who uses any amount of a grant
22 for a purpose not required under paragraph (1) shall
23 be—

24 (A) considered to have misused funds in
25 violation of section 102; and

1 (B) subject to the enforcement and rem-
2 edies provided under section 105.

3 (3) REFUND.—

4 (A) IN GENERAL.—If an essential work
5 employer receives a grant under this section
6 and, for any reason, does not provide every dol-
7 lar of such grant to essential workers in accord-
8 ance with the requirements of this title, then
9 the employer shall refund any such dollars to
10 the Secretary of the Treasury not later than
11 June 30, 2021. Any amounts returned to the
12 Secretary shall be deposited into the Fund and
13 be available for any additional grants under this
14 section.

15 (B) REQUIREMENT FOR NOT REDUCING
16 COMPENSATION.—An essential work employer
17 who is required to refund any amount under
18 this paragraph shall not reduce or otherwise di-
19 minish an eligible worker's compensation or
20 benefits in response to or otherwise due to such
21 refund.

22 (e) RECORDKEEPING.—An essential work employer
23 that receives a grant under this section shall—

24 (1) maintain records, including payroll records,
25 demonstrating how each dollar of funds received

1 through the grant were provided to essential work-
2 ers; and

3 (2) provide such records to the Secretary of the
4 Treasury or the Secretary of Labor upon the request
5 of either such Secretary.

6 (f) RECOUPMENT.—In addition to all other enforce-
7 ment and remedies available under this title or any other
8 law, the Secretary of the Treasury shall establish a process
9 under which the Secretary shall recoup the amount of any
10 grant awarded under subsection (a)(1) if the Secretary de-
11 termines that the essential work employer receiving the
12 grant—

13 (1) did not provide all of the dollars of such
14 grant to the essential workers of the employer;

15 (2) did not, in fact, have the number of essen-
16 tial workers certified by the employer in accordance
17 with subparagraphs (A) and (B) of subsection
18 (b)(1);

19 (3) did not pay the essential workers for the
20 number of hours the employer claimed to have paid;
21 or

22 (4) otherwise misused funds or violated this
23 title.

24 (g) SPECIAL RULE FOR CERTAIN EMPLOYEES OF
25 TRIBAL EMPLOYERS.—Essential workers of Tribal em-

1 ployers who receive funds under title II shall not be eligi-
2 ble to receive funds from grants under this section.

3 (h) TAX TREATMENT.—

4 (1) EXCLUSION FROM INCOME.—For purposes
5 of the Internal Revenue Code of 1986, any grant re-
6 ceived by an essential work employer under this sec-
7 tion shall not be included in the gross income of
8 such essential work employer.

9 (2) DENIAL OF DOUBLE BENEFIT.—

10 (A) IN GENERAL.—In the case of an essen-
11 tial work employer that receives a grant under
12 this section—

13 (i) amounts paid under subsections
14 (b) or (f) of section 102 shall not be taken
15 into account as wages for purposes of sec-
16 tions 41, 45A, 51, or 1396 of the Internal
17 Revenue Code of 1986 or section 2301 of
18 the CARES Act (Public Law 116–136);
19 and

20 (ii) any deduction otherwise allowable
21 under such Code for applicable payments
22 during any taxable year shall be reduced
23 (but not below zero) by the excess (if any)
24 of—

1 (I) the aggregate amounts of
2 grants received under this section;
3 over

4 (II) the sum of any amount re-
5 funded under subsection (d) plus the
6 aggregate amount of applicable pay-
7 ments made for all preceding taxable
8 years.

9 (B) APPLICABLE PAYMENTS.—For pur-
10 poses of this paragraph, the term “applicable
11 payments” means amounts paid as premium
12 pay under subsections (b) or (f) of section 102
13 and amounts paid for employer payroll taxes
14 with respect to such amounts.

15 (C) AGGREGATION RULE.—Rules similar
16 to the rules of subsections (a) and (b) of section
17 52 of the Internal Revenue Code of 1986 shall
18 apply for purposes of this section.

19 (3) INFORMATION REPORTING.—The Secretary
20 of the Treasury shall submit to the Commissioner of
21 Internal Revenue statements containing—

22 (A) the name and tax identification num-
23 ber of each essential work employer receiving a
24 grant under this section;

25 (B) the amount of such grant; and

1 (C) any amounts refunded under section
2 (d)(3).

3 (i) REPORTS.—

4 (1) IN GENERAL.—Not later than 30 days after
5 obligating the last dollar of the funds appropriated
6 under this title, the Secretary of the Treasury shall
7 submit a report, to the Committees of Congress de-
8 scribed in paragraph (2), that—

9 (A) certifies that all funds appropriated
10 under this title have been obligated; and

11 (B) indicates the number of pending appli-
12 cations for grants under this section that will
13 be rejected due to the lack of funds.

14 (2) COMMITTEES OF CONGRESS.—The Commit-
15 tees of Congress described in this paragraph are—

16 (A) the Committee on Ways and Means of
17 the House of Representatives;

18 (B) the Committee on Education and
19 Labor of the House of Representatives;

20 (C) the Committee on Finance of the Sen-
21 ate; and

22 (D) the Committee on Health, Education,
23 Labor, and Pensions of the Senate.

1 **SEC. 170105. ENFORCEMENT AND OUTREACH.**

2 (a) DUTIES OF SECRETARY OF LABOR.—The Sec-
3 retary of Labor shall—

4 (1) have authority to enforce the requirements
5 of section 102, in accordance with subsections (b)
6 through (e);

7 (2) conduct outreach as described in subsection
8 (f); and

9 (3) coordinate with the Secretary of the Treas-
10 ury as needed to carry out the Secretary of Labor's
11 responsibilities under this section.

12 (b) PROHIBITED ACTS, PENALTIES, AND ENFORCE-
13 MENT.—

14 (1) PROHIBITED ACTS.—It shall be unlawful for
15 a person to—

16 (A) violate any provision of section 102 ap-
17 plicable to such person; or

18 (B) discharge or in any other manner dis-
19 criminate against any essential worker because
20 such essential worker has filed any complaint or
21 instituted or caused to be instituted any pro-
22 ceeding under or related to this title, or has tes-
23 tified or is about to testify in any such pro-
24 ceeding.

25 (2) ENFORCEMENT AND PENALTIES.—

1 (A) PREMIUM PAY VIOLATIONS.—A viola-
2 tion described in paragraph (1)(A) shall be
3 deemed a violation of section 7 of the Fair
4 Labor Standards Act of 1938 (29 U.S.C. 207)
5 and unpaid amounts required under this section
6 shall be treated as unpaid overtime compensa-
7 tion under such section 7 for the purposes of
8 sections 15 and 16 of such Act (29 U.S.C. 215
9 and 216).

10 (B) DISCHARGE OR DISCRIMINATION.—A
11 violation of paragraph (1)(B) shall be deemed a
12 violation of section 15(a)(3) of the Fair Labor
13 Standards Act of 1938 (29 U.S.C. 215(a)(3)).

14 (c) INVESTIGATION.—

15 (1) IN GENERAL.—To ensure compliance with
16 the provisions of section 102, including any regula-
17 tion or order issued under that section, the Sec-
18 retary of Labor shall have the investigative authority
19 provided under section 11(a) of the Fair Labor
20 Standards Act of 1938 (29 U.S.C. 211(a)). For the
21 purposes of any investigation provided for in this
22 subsection, the Secretary of Labor shall have the
23 subpoena authority provided for under section 9 of
24 such Act (29 U.S.C. 209).

1 (2) STATE AGENCIES.—The Secretary of Labor
2 may, for the purpose of carrying out the functions
3 and duties under this section, utilize the services of
4 State and local agencies in accordance with section
5 11(b) of the Fair Labor Standards Act of 1938 (29
6 U.S.C. 211(b)).

7 (d) ESSENTIAL WORKER ENFORCEMENT.—

8 (1) RIGHT OF ACTION.—An action alleging a
9 violation of paragraph (1) or (2) of subsection (b)
10 may be maintained against an essential work em-
11 ployer receiving a grant under section 104 in any
12 Federal or State court of competent jurisdiction by
13 one or more essential workers or their representative
14 for and on behalf of the essential workers, or the es-
15 sential workers and others similarly situated, in the
16 same manner, and subject to the same remedies (in-
17 cluding attorney’s fees and costs of the action), as
18 an action brought by an employee alleging a viola-
19 tion of section 7 or 15(a)(3), respectively, of the
20 Fair Labor Standards Act of 1938 (29 U.S.C. 207,
21 215(a)(3)).

22 (2) NO WAIVER.—In an action alleging a viola-
23 tion of paragraph (1) or (2) of subsection (b)
24 brought by one or more essential workers or their
25 representative for and on behalf of the persons as

1 described in paragraph (1), to enforce the rights in
2 section 102, no court of competent jurisdiction may
3 grant the motion of an essential work employer re-
4 ceiving a grant under section 104 to compel arbitra-
5 tion, under chapter 1 of title 9, United States Code,
6 or any analogous State arbitration statute, of the
7 claims involved. An essential worker's right to bring
8 an action described in paragraph (1) or subsection
9 (b)(2)(A) on behalf of similarly situated essential
10 workers to enforce such rights may not be subject to
11 any private agreement that purports to require the
12 essential workers to pursue claims on an individual
13 basis.

14 (e) RECORDKEEPING.—An essential work employer
15 receiving a grant under section 104 shall make, keep, and
16 preserve records pertaining to compliance with section 102
17 in accordance with section 11(c) of the Fair Labor Stand-
18 ards Act of 1938 (29 U.S.C. 211(c)) and in accordance
19 with regulations prescribed by the Secretary of Labor.

20 (f) OUTREACH AND EDUCATION.—Out of amounts
21 appropriated to the Secretary of the Treasury under sec-
22 tion 107 for a fiscal year, the Secretary of the Treasury
23 shall transfer, to the Secretary of Labor, an amount equal
24 to 0.50 percent of such funds, of which the Secretary of
25 Labor shall use—

1 (1) 0.25 percent of such funds for outreach to
2 essential work employers and essential workers re-
3 garding the premium pay under section 102; and

4 (2) 0.25 percent of such funds to implement an
5 advertising campaign encouraging large essential
6 work employers to provide the same premium pay
7 provided for by section 102 using the large essential
8 work employers' own funds and without utilizing
9 grants under this title.

10 (g) CLARIFICATION OF ENFORCING OFFICIAL.—

11 Nothing in the Government Employee Rights Act of 1991
12 (42 U.S.C. 2000e–16a et seq.) or section 3(e)(2)(C) of the
13 Fair Labor Standards Act of 1938 (29 U.S.C.
14 203(e)(2)(C)) shall be construed to prevent the Secretary
15 of Labor from carrying out the authority of the Secretary
16 under this section in the case of State employees described
17 in section 304(a) of the Government Employee Rights Act
18 of 1991 (42 U.S.C. 2000e–16c(a)).

19 **SEC. 170106. FUNDING FOR THE DEPARTMENT OF THE**
20 **TREASURY OFFICE OF INSPECTOR GENERAL.**

21 There is appropriated, out of money in the Treasury
22 not otherwise appropriated, to the Office of the Inspector
23 General of the Department of the Treasury, \$1,000,000
24 to carry out audits, investigations, and other oversight ac-
25 tivities authorized under the Inspector General Act of

1 1978 (5 U.S.C. App.) that are related to the provisions
2 of, and amendments made by, this title, to remain avail-
3 able until December 31, 2022.

4 **SEC. 170107. AUTHORIZATION AND APPROPRIATIONS.**

5 There is authorized to be appropriated, and there is
6 hereby appropriated, \$180,000,000,000 to carry out this
7 title, to remain available until expended, to carry out this
8 title.

9 **TITLE II—PROVISIONS RELAT-**
10 **ING TO FEDERAL EMPLOYEES**
11 **AND COVID-19**

12 **SEC. 170201. DEFINITIONS.**

13 In this title—

14 (1) the term “agency”—

15 (A) means—

16 (i) each agency, office, or other estab-
17 lishment in the executive, legislative, or ju-
18 dicial branch of the Federal Government,
19 including—

20 (I) an Executive agency, as that
21 term is defined in section 105 of title
22 5, United States Code;

23 (II) a military department, as
24 that term is defined in section 102 of
25 title 5, United States Code;

- 1 (III) the Federal Aviation Ad-
2 ministration;
- 3 (IV) the Transportation Security
4 Administration;
- 5 (V) the Department of Veterans
6 Affairs; and
- 7 (VI) the Government Account-
8 ability Office;
- 9 (ii) the District of Columbia courts
10 and the District of Columbia Public De-
11 fender Service; and
- 12 (iii)(I) an Indian tribe or tribal orga-
13 nization carrying out a contract or com-
14 pact under the Indian Self-Determination
15 and Education Assistance Act (25 U.S.C.
16 5301 et seq.);
- 17 (II) an Indian tribe or tribal organiza-
18 tion that receives a grant under the Trib-
19 ally Controlled Schools Act of 1988 (25
20 U.S.C. 2501 et seq.); and
- 21 (III) an urban Indian organization
22 that receives a grant or carries out a con-
23 tract under title V of the Indian Health
24 Care Improvement Act (25 U.S.C. 1651 et
25 seq.); and

1 (B) does not include—

2 (i) the United States Postal Service or
3 the Postal Regulatory Commission; or

4 (ii) a nonappropriated fund instru-
5 mentality under the jurisdiction of the
6 Armed Forces;

7 (2) the term “covered duty”—

8 (A) means duty that requires—

9 (i) an employee to have regular or
10 routine contact with the public; or

11 (ii) the reporting of an employee to a
12 worksite at which—

13 (I) social distancing is not pos-
14 sible, consistent with the regularly as-
15 signed duties of the position of the
16 employee; and

17 (II) other preventative measures
18 with respect to COVID–19 are not
19 available; and

20 (B) does not include duty that an employee
21 performs while teleworking from a residence;

22 (3) the term “covered period” means the period
23 beginning on the date on which the Secretary of
24 Health and Human Services declared a public health
25 emergency under section 319 of the Public Health

1 Service Act (42 U.S.C. 247d) with respect to
2 COVID-19 and ending on the date that is 60 days
3 after the date on which that public health emergency
4 terminates; and

5 (4) the term “employee”—

6 (A) means an employee of an agency;

7 (B) includes—

8 (i) any employee of an agency who oc-
9 cupies a position within the General Sched-
10 ule under subchapter III of chapter 53 of
11 title 5, United States Code;

12 (ii) any employee of an agency whose
13 pay is fixed and adjusted from time to
14 time in accordance with prevailing rates
15 under subchapter IV of chapter 53 of title
16 5, United States Code, or by a wage board
17 or similar administrative authority serving
18 the same purpose;

19 (iii) an official or employee of an In-
20 dian tribe, tribal organization, or urban In-
21 dian organization described in paragraph
22 (1)(A)(iii);

23 (iv) each employee of the Department
24 of Veterans Affairs, including an employee
25 appointed under chapter 74 of title 38,

1 United States Code, without regard to
2 whether section 7421(a) of that title, sec-
3 tion 7425(b) of that title, or any other pro-
4 vision of chapter 74 of that title is incon-
5 sistent with that inclusion; and

6 (v) any other individual occupying a
7 position in the civil service, as that term is
8 defined in section 2101 of title 5, United
9 States Code; and

10 (C) does not include—

11 (i) a member of the uniformed serv-
12 ices, as that term is defined in section
13 2101 of title 5, United States Code;

14 (ii) an employee of an agency who oc-
15 cupies a position within the Executive
16 Schedule under any of sections 5312
17 through 5316 of title 5, United States
18 Code;

19 (iii) an individual in a Senior Execu-
20 tive Service position, unless the individual
21 is a career appointee, as those terms are
22 defined in section 3132(a) of title 5,
23 United States Code;

24 (iv) an individual serving in a position
25 of a confidential or policy-determining

1 character under Schedule C of subpart C
2 of part 213 of title 5, Code of Federal
3 Regulations, or any successor regulations;

4 (v) a member of the Senate or House
5 of Representatives, a Delegate to the
6 House of Representatives, or the Resident
7 Commissioner from Puerto Rico; or

8 (vi) an employee of the personal office
9 of an individual described in clause (v), of
10 a leadership office of the Senate or the
11 House of Representatives, of a committee
12 of the Senate or the House of Representa-
13 tives, or of a joint committee of Congress.

14 **SEC. 170202. PANDEMIC DUTY DIFFERENTIAL.**

15 (a) IN GENERAL.—There is established a schedule of
16 pay differentials for covered duty as follows:

17 (1) An employee is entitled to pay for that cov-
18 ered duty at the rate of basic pay, which includes
19 any differential or other premium pay paid for regu-
20 larly scheduled work of the employee other than the
21 differential established under this section, of the em-
22 ployee plus premium pay of \$13 per hour.

23 (2) The total amount of premium pay paid to
24 an employee under paragraph (1) shall be—

1 (A) with respect to an employee whose an-
2 nual rate of basic pay is less than \$200,000,
3 not more than \$10,000 reduced by employer
4 payroll taxes (as defined in section 101(4)) with
5 respect to such premium pay; and

6 (B) with respect to an employee whose an-
7 nual rate of basic pay is not less than
8 \$200,000, not more than \$5,000 reduced by
9 employer payroll taxes (as so defined) with re-
10 spect to such premium pay.

11 (b) PAY.—

12 (1) IN GENERAL.—With respect to the covered
13 period, an employee is entitled to be paid the appli-
14 cable differential established under subsection (a) for
15 any period, including any period during the covered
16 period that precedes the date of enactment of this
17 Act, in which the employee is carrying out covered
18 duty, subject to the applicable limitations under that
19 subsection.

20 (2) RETROACTIVE PAYMENT.—With respect to
21 a payment earned by an employee under this section
22 for a period during the covered period that precedes
23 the date of enactment of this Act, the employee shall
24 be paid that payment in a lump sum payment as
25 soon as is practicable after that date of enactment.

1 (c) GUIDANCE AND REGULATIONS.—

2 (1) EXECUTIVE BRANCH.—

3 (A) IN GENERAL.—The Office of Personnel
4 Management shall develop criteria for agencies
5 in the executive branch of the Federal Govern-
6 ment regarding the means by which to deter-
7 mine the eligibility of an employee in such an
8 agency for the pay differential established
9 under this section, which shall—

10 (i) be based on—

11 (I) the duties performed by the
12 employee;

13 (II) the setting in which the em-
14 ployee performs the duties described
15 in subclause (I); and

16 (III) the interactions with the
17 public required in order for the em-
18 ployee to perform the duties described
19 in subclause (I); and

20 (ii) apply equally to all such agencies.

21 (B) REGULATIONS.—The Office of Per-
22 sonnel Management may prescribe regulations
23 implementing the pay differential under this
24 section with respect to employees in the execu-
25 tive branch of the Federal Government.

1 (2) OTHER BRANCHES, CERTAIN DC EMPLOY-
2 EES, AND CERTAIN TRIBAL OFFICIALS.—

3 (A) IN GENERAL.—The employing author-
4 ity for each agency that is not in the executive
5 branch of the Federal Government—

6 (i) shall develop criteria regarding the
7 means by which to determine the eligibility
8 of an employee in such an agency for the
9 pay differential established under this sec-
10 tion; and

11 (ii) may prescribe regulations imple-
12 menting the pay differential under this sec-
13 tion with respect to employees in the appli-
14 cable agency.

15 (B) CONSISTENCY WITH OPM GUIDANCE
16 AND REGULATIONS.—Any criteria developed,
17 and regulations prescribed, by an agency under
18 subparagraph (A) shall, to the extent prac-
19 ticable, be comparable to any criteria developed
20 and regulations prescribed by the Office of Per-
21 sonnel Management under paragraph (1).

22 **SEC. 170203. LIMITATION ON PREMIUM PAY.**

23 (a) IN GENERAL.—Notwithstanding subsections (a)
24 and (b) of section 5547 of title 5, United States Code,
25 or a provision of any other Federal, State, or Tribal law

1 that imposes a limitation on the amount of premium pay
2 (including any premium pay paid under section 202 and
3 any overtime pay paid for covered duty) that may be pay-
4 able to an employee, an employee may be paid such pre-
5 mium pay to the extent that the payment does not cause
6 the aggregate of basic pay and such premium pay for serv-
7 ice performed in that calendar year by that employee to
8 exceed the annual rate of basic pay payable for level II
9 of the Executive Schedule, as of the end of the calendar
10 year.

11 (b) APPLICABILITY OF AGGREGATE LIMITATION ON
12 PAY.—In determining whether a payment to an employee
13 is subject to the limitation under section 5307(a) of title
14 5, United States Code, a payment described in subsection
15 (a) shall not apply.

16 (c) APPLICABILITY OF CARES ACT.—The authority
17 provided under this section shall be considered to be in
18 addition to, and not a replacement for, the authority pro-
19 vided under section 18110 of title VIII of the CARES Act
20 (Public Law 116–136).

21 (d) RETROACTIVE EFFECT.—This section shall take
22 effect as if enacted on the date on which the covered pe-
23 riod began.

1 **SEC. 170204. AUTHORIZATION AND APPROPRIATION.**

2 There is authorized to be appropriated, and there is
3 hereby appropriated, out of any money in the Treasury
4 not otherwise appropriated, \$10,000,000,000, to remain
5 available until expended, for the offices and agencies de-
6 scribed in subsection (b) of this section to carry out sec-
7 tion 170202 and section 170203 of this title and to make
8 transfers authorized under subsection (a) of this section.

9 (a) OFFICES AND AGENCIES.—The offices and agen-
10 cies described in this subsection are—

11 (1) the Office of the Sergeant at Arms and
12 Doorkeeper of the Senate;

13 (2) the Office of the Clerk of the House of Rep-
14 resentatives;

15 (3) the Office of the Sergeant at Arms of the
16 House of Representatives;

17 (4) the Office of the Chief Administrative Offi-
18 cer of the House of Representatives;

19 (5) the Office of the Attending Physician;

20 (6) the Capitol Police;

21 (7) the Office of the Architect of the Capitol;

22 (8) the Library of Congress;

23 (9) the Government Publishing Office;

24 (10) the Government Accountability Office;

25 (11) the Office of Personnel Management;

1 (12) the Administrative Office of the United
2 States Courts; and

3 (13) the District of Columbia Courts.

4 (b) TRANSFER AUTHORITY.—

5 (1) OPM.—The Office of Personnel Manage-
6 ment may transfer funds made available under this
7 section to other Federal agencies within the execu-
8 tive branch to reimburse such agencies for costs in-
9 curred to implement this title.

10 (2) AOUSC.—The Administrative Office of the
11 United States Courts may transfer funds made
12 available under this section to other entities within
13 the judicial branch to reimburse the entities for
14 costs incurred to implement this title.

15 (3) DC COURTS.—The District of Columbia
16 Courts may transfer funds made available under this
17 section to the District of Columbia Public Defender
18 Service to reimburse the agency for costs incurred to
19 implement this title.

20 **TITLE III—COORDINATION OF**
21 **BENEFITS WITH OTHER PRO-**
22 **GRAMS AND LAWS**

23 **SEC. 170301. COORDINATION WITH OTHER BENEFITS.**

24 (a) DISREGARD FOR PURPOSES OF FEDERAL AND
25 STATE PROGRAMS.—Any payment provided under this

1 Act shall not be regarded as income and shall not be re-
2 garded as a resource for the month of receipt and the fol-
3 lowing 12 months, for purposes of determining the eligi-
4 bility of the recipient (or the recipient's spouse or family)
5 for benefits or assistance, or the amount or extent of bene-
6 fits or assistance, under any Federal program or under
7 any State or local program financed in whole or in part
8 with Federal funds.

9 (b) AMOUNTS NOT TAKEN INTO ACCOUNT FOR PUR-
10 POSES OF PREMIUM TAX CREDIT.—

11 (1) IN GENERAL.—For purposes of determining
12 modified adjusted gross income under section
13 36B(d)(2)(B) of the Internal Revenue Code of 1986,
14 adjusted gross income shall be reduced by any
15 amounts received under subsection (b), including
16 pursuant to subsection (f), of section 170102 or by
17 reason of section 170202.

18 (2) EXCEPTION.—Paragraph (1) shall not
19 apply to the extent such reduction results in an
20 amount of household income (as defined in section
21 36B(d)(2)(A) of such Code) of a taxpayer that is
22 less than 100 percent of the poverty line (as defined
23 in section 36B(d)(3) of such Code) for a family of
24 the size involved (as determined under the rules of
25 section 36B(d)(1) of such Code).

1 (3) REPORTING.—

2 (A) IN GENERAL.—Any employer that
3 makes an applicable payment during a calendar
4 year shall include as a separately stated item on
5 any written statement required under section
6 6051 of the Internal Revenue Code of 1986 or
7 any return or statement required by the Sec-
8 retary of the Treasury (or the Secretary’s dele-
9 gate) with respect to nonemployee compensation
10 the aggregate amount of each type of applicable
11 payments so made.

12 (B) APPLICABLE PAYMENTS.—For pur-
13 poses of this paragraph, the term “applicable
14 payments” means—

15 (i) amounts paid as premium pay
16 under section 170102(b), including
17 amounts paid pursuant to section
18 170102(f); and

19 (ii) amounts paid by reason of section
20 170202.

21 (c) EMPLOYMENT TAX TREATMENT FOR AMOUNTS
22 PAID THROUGH GRANTS.—

23 (1) IN GENERAL.—For purposes of section
24 3111(a) of the Internal Revenue Code of 1986, any

1 amounts required to be paid by reason of this Act
2 shall not be considered wages.

3 (2) RAILROAD RETIREMENT TAXES.—For pur-
4 poses of section 3221(a) of the Internal Revenue
5 Code of 1986, the amount of tax imposed under
6 such section for any calendar year in which an em-
7 ployer is required to pay amounts under this Act
8 shall be equal to the sum of—

9 (A) the product of the rate in effect under
10 section 3111(a) of such Code and the com-
11 pensation (reduced by any amounts required to
12 be paid by reason of this Act) paid during any
13 calendar year by such employer for services ren-
14 dered to such employer; and

15 (B) the product of the rate in effect under
16 section 3111(b) of such Code and the com-
17 pensation paid during any calendar year by
18 such employer for services rendered to such em-
19 ployer.

20 (3) SELF-EMPLOYED INDIVIDUALS.—

21 (A) IN GENERAL.—In the case of the tax
22 imposed by section 1401(a) of the Internal Rev-
23 enue Code of 1986, the self-employment income
24 for any taxable year in which the individual re-
25 ceived a payment required to be made under

1 this Act shall be reduced by 50 percent of the
2 amount of payments so made.

3 (B) REGULATORY AUTHORITY.—The Sec-
4 retary of the Treasury (or the Secretary’s dele-
5 gate) shall prescribe regulations or other guid-
6 ance for the application of sections 164(f) and
7 1402(a)(12) of the Internal Revenue Code of
8 1986 with respect to amounts to which sub-
9 paragraph (A) applies.

10 (4) TRANSFERS TO TRUST FUNDS.—There are
11 hereby appropriated to the Federal Old Age and
12 Survivors Insurance Trust Fund and the Federal
13 Disability Insurance Trust Fund established under
14 section 201 of the Social Security Act (42 U.S.C.
15 401) and the Social Security Equivalent Benefit Ac-
16 count established under section 15A(a) of the Rail-
17 road Retirement Act of 1974 (45 U.S.C. 231n–1(a))
18 amounts equal to the reduction in revenues to the
19 Treasury by reason of this subsection (without re-
20 gard to this paragraph). Amounts appropriated by
21 the preceding sentence shall be transferred from the
22 general fund at such times and in such manner as
23 to replicate to the extent possible the transfers
24 which would have occurred to such Trust Fund or
25 Account had this section not been enacted.

1 **SEC. 170302. CLARIFICATION OF COORDINATION WITH**
2 **OTHER LAWS.**

3 (a) **ESSENTIAL WORKERS RIGHTS AND BENEFITS.**—
4 Nothing in this Act shall be construed to allow noncompli-
5 ance with or in any way to diminish, and shall instead
6 be construed to be in addition to, the rights or benefits
7 that an essential worker is entitled to under any—

8 (1) Federal, State, or local law, including regu-
9 lation;

10 (2) collective bargaining agreement; or

11 (3) employer policy.

12 (b) **TITLE 5.**—Nothing in this Act shall be construed
13 to affect the application of the provisions of sections 5343
14 or 5545 of title 5, United States Code, with respect to
15 pay differentials for duty involving unusual physical hard-
16 ship or hazard, or environmental differentials.

17 **SEC. 170303. APPLICABILITY OF FAIR LABOR STANDARDS**
18 **ACT OF 1938 TO SOVEREIGN TRIBAL EMPLOY-**
19 **ERS.**

20 The receipt of any funds through a grant under sec-
21 tion 104, or any funds under title II, by a sovereign Tribal
22 employer, as defined in section 101(12), shall not expand,
23 constrict, or alter the application of the Fair Labor Stand-
24 ards Act of 1938 (29 U.S.C. 201 et seq.) to such sovereign
25 Tribal employer.

1 **DIVISION R—CHILD NUTRITION AND**
2 **RELATED PROGRAMS**

3 **SEC. 180001. SHORT TITLE.**

4 This division may be cited as the “Child Nutrition
5 and Related Programs Recovery Act”.

6 **SEC. 180002. EMERGENCY COSTS FOR CHILD NUTRITION**
7 **PROGRAMS DURING COVID-19 PANDEMIC.**

8 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
9 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
10 PROGRAMS.—

11 (1) IN GENERAL.—

12 (A) REQUIRED ALLOTMENTS.—Notwith-
13 standing any other provision of law, the Sec-
14 retary shall allocate to each State that partici-
15 pates in the reimbursement program under
16 paragraph (3) such amounts as may be nec-
17 essary to carry out reimbursements under such
18 paragraph for each reimbursement month, in-
19 cluding, subject to paragraph (4)(B), adminis-
20 trative expenses necessary to make such reim-
21 bursements.

22 (B) GUIDANCE WITH RESPECT TO PRO-
23 GRAM.—Not later than 10 days after the date
24 of the enactment of this section, the Secretary

1 shall issue guidance with respect to the reim-
2 bursement program under paragraph (3).

3 (2) REIMBURSEMENT PROGRAM APPLICA-
4 TION.—To participate in the reimbursement pro-
5 gram under paragraph (3), not later than 30 days
6 after the date described in paragraph (1), a State
7 shall submit an application to the Secretary that in-
8 cludes a plan to calculate and disburse reimburse-
9 ments under the reimbursement program under
10 paragraph (3).

11 (3) REIMBURSEMENT PROGRAM.—Using the
12 amounts allocated under paragraph (1)(A), a State
13 participating in the reimbursement program under
14 this paragraph shall make reimbursements for emer-
15 gency operational costs for each reimbursement
16 month as follows:

17 (A) For each new school food authority in
18 the State for the reimbursement month, an
19 amount equal to 55 percent of the amount
20 equal to—

21 (i) the average monthly amount such
22 new school food authority was reimbursed
23 under the reimbursement sections for
24 meals and supplements served by such new

1 school food authority during the alternate
2 period; minus

3 (ii) the amount such new school food
4 authority was reimbursed under the reim-
5 bursement sections for meals and supple-
6 ments served by such new school food au-
7 thority during such reimbursement month.

8 (B) For each school food authority not de-
9 scribed in subparagraph (A) in the State for
10 the reimbursement month, an amount equal to
11 55 percent of—

12 (i) the amount such school food au-
13 thority was reimbursed under the reim-
14 bursement sections for meals and supple-
15 ments served by such school food authority
16 for the month beginning one year before
17 such reimbursement month; minus

18 (ii) the amount such school food au-
19 thority was reimbursed under the reim-
20 bursement sections for meals and supple-
21 ments served by such school food authority
22 during such reimbursement month.

23 (4) TREATMENT OF FUNDS.—

1 (A) AVAILABILITY.—Funds allocated to a
2 State under paragraph (1)(A) shall remain
3 available until March 30, 2021.

4 (B) ADMINISTRATIVE EXPENSES.—A State
5 may reserve not more than 1 percent of the
6 funds allocated under paragraph (1)(A) for ad-
7 ministrative expenses to carry out this sub-
8 section.

9 (C) UNEXPENDED BALANCE.—On Sep-
10 tember 30, 2021, any amounts allocated to a
11 State under paragraph (1)(A) or reimbursed to
12 a school food authority or new school food au-
13 thority under paragraph (3) that are unex-
14 pended by such State, school food authority, or
15 new school food authority shall revert to the
16 Secretary.

17 (5) REPORTS.—Each State that carries out a
18 reimbursement program under paragraph (3) shall,
19 not later than September 30, 2021, submit a report
20 to the Secretary that includes a summary of the use
21 of such funds by the State and each school food au-
22 thority and new school food authority in such State.

23 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
24 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE

1 OPERATIONAL EMERGENCY COSTS DURING COVID-19
2 PANDEMIC.—

3 (1) IN GENERAL.—

4 (A) REQUIRED ALLOTMENTS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary shall allocate to each State that partici-
7 pates in the reimbursement program under
8 paragraph (3) such amounts as may be nec-
9 essary to carry out reimbursements under such
10 paragraph for each reimbursement month, in-
11 cluding, subject to paragraph (4)(C), adminis-
12 trative expenses necessary to make such reim-
13 bursements.

14 (B) GUIDANCE WITH RESPECT TO PRO-
15 GRAM.—Not later than 10 days after the date
16 of the enactment of this section, the Secretary
17 shall issue guidance with respect to the reim-
18 bursement program under paragraph (3).

19 (2) REIMBURSEMENT PROGRAM APPLICA-
20 TION.—To participate in the reimbursement pro-
21 gram under paragraph (3), not later than 30 days
22 after the date described in paragraph (1), a State
23 shall submit an application to the Secretary that in-
24 cludes a plan to calculate and disburse reimburse-

1 ments under the reimbursement program under
2 paragraph (3).

3 (3) REIMBURSEMENT AMOUNT.—Using the
4 amounts allocated under paragraph (1)(A), a State
5 participating in the reimbursement program under
6 this paragraph shall make reimbursements for child
7 care operational emergency costs for each reimburse-
8 ment month as follows:

9 (A) For each new covered institution in the
10 State for the reimbursement month, an amount
11 equal to 55 percent of—

12 (i) the average monthly amount such
13 covered institution was reimbursed under
14 subsection (c) and subsection (f) of section
15 17 of the Richard B. Russell National
16 School Lunch Act (42 U.S.C. 1766) for
17 meals and supplements served by such new
18 covered institution during the alternate pe-
19 riod; minus

20 (ii) the amount such covered institu-
21 tion was reimbursed under such section for
22 meals and supplements served by such new
23 covered institution during such reimburse-
24 ment month.

1 (B) For each covered institution not de-
2 scribed in subparagraph (A) in the State for
3 the reimbursement month, an amount equal to
4 55 percent of—

5 (i) the amount such covered institu-
6 tion was reimbursed under subsection (c)
7 and subsection (f) of section 17 of the
8 Richard B. Russell National School Lunch
9 Act (42 U.S.C. 1766) for meals and sup-
10 plements served by such covered institution
11 during the month beginning one year be-
12 fore such reimbursement month; minus

13 (ii) the amount such covered institu-
14 tion was reimbursed under such section for
15 meals and supplements served by such cov-
16 ered institution during such reimbursement
17 month.

18 (C) For each new sponsoring organization
19 of a family or group day care home in the State
20 for the reimbursement month, an amount equal
21 to 55 percent of—

22 (i) the average monthly amount such
23 new sponsoring organization of a family or
24 group day care home was reimbursed
25 under section 17(f)(3)(B) of the Richard

1 B. Russell National School Lunch Act (42
2 U.S.C. 1766(f)(3)(B)) for administrative
3 funds for the alternate period; minus

4 (ii) the amount such new sponsoring
5 organization of a family or group day care
6 home was reimbursed under such section
7 for administrative funds for the reimburse-
8 ment month.

9 (D) For each sponsoring organization of a
10 family or group day care home not described in
11 subparagraph (C) in the State for the reim-
12 bursement month, an amount equal to 55 per-
13 cent of—

14 (i) the amount such sponsoring orga-
15 nization of a family or group day care
16 home was reimbursed under section
17 17(f)(3)(B) of the Richard B. Russell Na-
18 tional School Lunch Act (42 U.S.C.
19 1766(f)(3)(B)) for administrative funds for
20 the month beginning one year before such
21 reimbursement month; minus

22 (ii) the amount such sponsoring orga-
23 nization of a family or group day care
24 home was reimbursed under such section

1 for administrative funds for such reim-
2 bursement month.

3 (4) TREATMENT OF FUNDS.—

4 (A) AVAILABILITY.—Funds allocated to a
5 State under paragraph (1)(A) shall remain
6 available until March 30, 2021.

7 (B) UNAFFILIATED CENTER.—In the case
8 of a covered institution or a new covered insti-
9 tution that is an unaffiliated center that is
10 sponsored by a sponsoring organization and re-
11 ceives funds for a reimbursement month under
12 subparagraph (A) or (B), such unaffiliated cen-
13 ter shall provide to such sponsoring organiza-
14 tion an amount of such funds as agreed to by
15 the sponsoring organization and the unaffiliated
16 center, except such amount may not be greater
17 be than 15 percent of such funds.

18 (C) ADMINISTRATIVE EXPENSES.—A State
19 may reserve not more than 1 percent of the
20 funds allocated under paragraph (1)(A) for ad-
21 ministrative expenses to carry out this sub-
22 section.

23 (D) UNEXPENDED BALANCE.—On Sep-
24 tember 30, 2021, any amounts allocated to a
25 State under paragraph (1)(A) or reimbursed to

1 a new covered institution, covered institution,
2 new sponsoring organization of a family or
3 group day care home, or sponsoring organiza-
4 tion of a family or group day care home that
5 are unexpended by such State, new covered in-
6 stitution, covered institution, new sponsoring
7 organization of a family or group day care
8 home, or sponsoring organization of a family or
9 group day care home, shall revert to the Sec-
10 retary.

11 (5) REPORTS.—Each State that carries out a
12 reimbursement program under paragraph (3) shall,
13 not later than September 30, 2021, submit a report
14 to the Secretary that includes a summary of the use
15 of such funds by the State and each new covered in-
16 stitution, covered institution, new sponsoring organi-
17 zation of a family or group day care home, or spon-
18 soring organization of a family or group day care
19 home.

20 (c) DEFINITIONS.—In this section:

21 (1) ALTERNATE PERIOD.—The term “alternate
22 period” means the period beginning January 1,
23 2020 and ending February 29, 2020.

24 (2) EMERGENCY OPERATIONAL COSTS.—The
25 term “emergency operational costs” means the costs

1 incurred by a school food authority or new school
2 food authority—

3 (A) during a public health emergency;

4 (B) that are related to the ongoing oper-
5 ation, modified operation, or temporary suspen-
6 sion of operation (including administrative
7 costs) of such school food authority or new
8 school food authority; and

9 (C) except as provided under subsection
10 (a), that are not reimbursed under a Federal
11 grant.

12 (3) CHILD CARE OPERATIONAL EMERGENCY
13 COSTS.—The term “child care operational emergency
14 costs” means the costs under the child and adult
15 care food program under section 17 of the Richard
16 B. Russell National School Lunch Act (42 U.S.C.
17 1766) incurred by a new covered institution, covered
18 institution, new sponsoring organization of a family
19 or group day care home, or sponsoring organization
20 of a family or group day care home—

21 (A) during a public health emergency;

22 (B) that are related to the ongoing oper-
23 ation, modified operation, or temporary suspen-
24 sion of operation (including administrative
25 costs) of such new covered institution, covered

1 institution, new sponsoring organization of a
2 family or group day care home, sponsoring or-
3 ganization of a family or group day care home,
4 or sponsoring organization of an unaffiliated
5 center; and

6 (C) except as provided under subsection
7 (b), that are not reimbursed under a Federal
8 grant.

9 (4) COVERED INSTITUTION.—The term “cov-
10 ered institution” means—

11 (A) an institution (as defined in section
12 17(a)(2) of the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1766(a)(2))); and

14 (B) a family or group day care home.

15 (5) NEW COVERED INSTITUTION.—The term
16 “new covered institution” means a covered institu-
17 tion for which no reimbursements were made for
18 meals and supplements under section 17(c) or (f) of
19 the Richard B. Russell National School Lunch Act
20 (42 U.S.C. 1766) with respect to the previous reim-
21 bursement period.

22 (6) NEW SCHOOL FOOD AUTHORITY.—The term
23 “new school food authority” means a school food au-
24 thority for which no reimbursements were made

1 under the reimbursement sections with respect to
2 the previous reimbursement period.

3 (7) NEW SPONSORING ORGANIZATION OF A
4 FAMILY OR GROUP DAY CARE.—The term “new
5 sponsoring organization of a family or group day
6 care” means a sponsoring organization of a family
7 or group day care home for which no reimburse-
8 ments for administrative funds were made under
9 section 17(f)(3)(B) of the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
11 for the previous reimbursement period.

12 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
13 term “previous reimbursement period” means the
14 period beginning March 1, 2019 and ending June
15 30, 2019.

16 (9) PUBLIC HEALTH EMERGENCY.—The term
17 “public health emergency” means a public health
18 emergency declared pursuant to section 319 of the
19 Public Health Service Act (42 U.S.C. 247d) result-
20 ing from the COVID–19 pandemic.

21 (10) REIMBURSEMENT MONTH.—The term “re-
22 imbursement month” means March 2020, April
23 2020, May 2020, and June 2020.

24 (11) REIMBURSEMENT SECTIONS.—The term
25 “reimbursement sections” means—

1 (A) section 4(b), section 11(a)(2), section
2 13, and section 17A(c) of the Richard B. Rus-
3 sell National School Lunch Act (42 U.S.C.
4 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
5 1761; 42 U.S.C. 1766a(c)); and

6 (B) section 4 of the Child Nutrition Act
7 (42 U.S.C. 1773).

8 (12) SECRETARY.—The term “Secretary”
9 means the Secretary of Agriculture.

10 (13) STATE.— The term “State” has the mean-
11 ing given such term in section 12(d)(8) of the Rich-
12 ard B. Russell National School Lunch Act (42
13 U.S.C. 1760(d)(8)).

14 **SEC. 180003. AMENDMENTS TO THE PANDEMIC EBT ACT.**

15 Section 1101 of the Families First Coronavirus Re-
16 sponse Act (Public Law 116–127) is amended—

17 (1) in subsection (a)—

18 (A) by striking “fiscal year 2020” and in-
19 serting “fiscal years 2020 and 2021”;

20 (B) by striking “during which the school
21 would otherwise be in session”; and

22 (C) by inserting “until the school reopens”
23 after “assistance”;

24 (2) in subsection (b)—

1 (A) by inserting “and State agency plans
2 for child care covered children in accordance
3 with subsection (i)” after “with eligible chil-
4 dren”;

5 (B) by inserting “, a plan to enroll chil-
6 dren who become eligible children during a pub-
7 lic health emergency designation” before “, and
8 issuances”;

9 (C) by striking “in an amount not less
10 than the value of meals at the free rate over the
11 course of 5 school days” and inserting “in ac-
12 cordance with subsection (h)(1)”;

13 (D) by inserting “and for each child care
14 covered child in the household” before the pe-
15 riod at the end;

16 (3) in subsection (c), by inserting “or child care
17 center” after “school”;

18 (4) by amending subsection (e) to read as fol-
19 lows:

20 “(e) RELEASE OF INFORMATION.—Notwithstanding
21 any other provision of law, the Secretary of Agriculture
22 may authorize—

23 “(1) State educational agencies and school food
24 authorities administering a school lunch program
25 under the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1751 et seq.) to release to appro-
2 priate officials administering the supplemental nutri-
3 tion assistance program such information as may be
4 necessary to carry out this section with respect to el-
5 igible children; and

6 “(2) State agencies administering a child and
7 adult care food program under section 17 of the
8 Richard B. Russell National School Lunch Act (42
9 U.S.C. 1766) to release to appropriate officials ad-
10 ministering the supplemental nutrition assistance
11 program such information as may be necessary to
12 carry out this section with respect to child care cov-
13 ered children.”;

14 (5) by amending subsection (g) to read as fol-
15 lows:

16 “(g) AVAILABILITY OF COMMODITIES.—

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 during fiscal year 2020, the Secretary of Agriculture
19 may purchase commodities for emergency distribu-
20 tion in any area of the United States during a public
21 health emergency designation.

22 “(2) PURCHASES.—Funds made available to
23 carry out this subsection on or after the date of the
24 enactment of the Child Nutrition and Related Pro-

1 grams Recovery Act may only be used to purchase
2 commodities for emergency distribution—

3 “(A) under commodity distribution pro-
4 grams and child nutrition programs that were
5 established and administered by the Food and
6 Nutrition Service on or before the day before
7 the date of the enactment of the Families First
8 Coronavirus Response Act (Public Law 116–
9 127); or

10 “(B) to Tribal organizations (as defined in
11 section 3 of the Food and Nutrition Act of
12 2008 (7 U.S.C. 2012)), that are not admin-
13 istering the food distribution program estab-
14 lished under section 4(b) of the Food and Nu-
15 trition Act of 2008 (7 U.S.C. 2013(b)).”.

16 (6) by redesignating subsections (h) and (i) as
17 subsections (l) and (m);

18 (7) by inserting after subsection (g) the fol-
19 lowing:

20 “(h) AMOUNT OF BENEFITS.—

21 “(1) IN GENERAL.—A household shall receive
22 benefits under this section in an amount equal to 1
23 breakfast and 1 lunch at the free rate for each eligi-
24 ble child or child care covered child in such house-
25 hold for each day.

1 “(2) TREATMENT OF NEWLY ELIGIBLE CHIL-
2 DREN.—In the case of a child who becomes an eligi-
3 ble child during a public health emergency designa-
4 tion, the Secretary and State agency shall—

5 “(A) if such child becomes an eligible child
6 during school year 2019–2020, treat such child
7 as if such child was an eligible child as of the
8 date the school in which the child is enrolled
9 closed; and

10 “(B) if such child becomes an eligible child
11 after school year 2019–2020, treat such child
12 as an eligible child as of the first day of the
13 month in which such child becomes so eligible.

14 “(i) CHILD CARE COVERED CHILD ASSISTANCE.—

15 “(1) IN GENERAL.—During fiscal years 2020
16 and 2021, in any case in which a child care center
17 is closed for at least 5 consecutive days during a
18 public health emergency designation, each household
19 containing at least 1 member who is a child care
20 covered child attending the child care center shall be
21 eligible until the schools in the State in which such
22 child care center is located reopen, as determined by
23 the Secretary, to receive assistance pursuant to—

24 “(A) a State agency plan approved under
25 subsection (b) that includes—

1 “(i) an application by the State agen-
2 cy seeking to participate in the program
3 under this subsection; and

4 “(ii) a State agency plan for tem-
5 porary emergency standards of eligibility
6 and levels of benefits under the Food and
7 Nutrition Act of 2008 (7 U.S.C. 2011 et
8 seq.) for households with child care covered
9 children; or

10 “(B) an addendum application described in
11 paragraph (2).

12 “(2) ADDENDUM APPLICATION.—In the case of
13 a State agency that submits a plan to the Secretary
14 of Agriculture under subsection (b) that does not in-
15 clude an application or plan described in clauses (i)
16 and (ii) of paragraph (1)(A), such State agency may
17 apply to participate in the program under this sub-
18 section by submitting to the Secretary of Agriculture
19 an addendum application for approval that includes
20 a State agency plan described in such clause (ii).

21 “(3) REQUIREMENTS FOR PARTICIPATION.—A
22 State agency may not participate in the program
23 under this subsection if—

24 “(A) the State agency plan submitted by
25 such State agency under subsection (b) with re-

1 spect to eligible children is not approved by the
2 Secretary under such subsection; or

3 “(B) the State agency plan submitted by
4 such State agency under subsection (b) or this
5 subsection with respect to child care covered
6 children is not approved by the Secretary under
7 either such subsection.

8 “(4) AUTOMATIC ENROLLMENT.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary shall deem a child who
11 is less than 6 years of age to be a child care
12 covered child eligible to receive assistance under
13 this subsection if—

14 “(i) the household with such child at-
15 tests that such child is a child care covered
16 child;

17 “(ii) such child resides in a household
18 that includes an eligible child;

19 “(iii) such child receives cash assist-
20 ance benefits under the temporary assist-
21 ance for needy families program under
22 part A of title IV of the Social Security
23 Act (42 U.S.C. 601 et seq.);

24 “(iv) such child receives assistance
25 under the Child Care and Development

1 Block Grant Act of 1990 (42 U.S.C. 9857
2 et seq.);

3 “(v) such child is—

4 “(I) enrolled as a participant in a
5 Head Start program authorized under
6 the Head Start Act (42 U.S.C. 9831
7 et seq.);

8 “(II) a foster child whose care
9 and placement is the responsibility of
10 an agency that administers a State
11 plan under part B or E of title IV of
12 the Social Security Act (42 U.S.C.
13 621 et seq.);

14 “(III) a foster child who a court
15 has placed with a caretaker house-
16 hold; or

17 “(IV) a homeless child or youth
18 (as defined in section 725(2) of the
19 McKinney-Vento Homeless Assistance
20 Act (42 U.S.C. 11434a(2)));

21 “(vi) such child participates in the
22 special supplemental nutrition program for
23 women, infants, and children under section
24 17 of the Child Nutrition Act of 1966 (42
25 U.S.C. 1786);

1 “(vii) through the use of information
2 obtained by the State agency for the pur-
3 pose of participating in the supplemental
4 nutrition assistance program under the
5 Food and Nutrition Act of 2008 (7 U.S.C.
6 2011 et seq.), the State agency elects to
7 treat as a child care covered child each
8 child less than 6 years of age who is a
9 member of a household that receives sup-
10 plemental nutrition assistance program
11 benefits under such Act; or

12 “(viii) the State in which such child
13 resides determines that such child is a
14 child care covered child, using State data
15 approved by the Secretary.

16 “(B) ACCEPTANCE OF ANY FORM OF
17 AUTOMATIC ENROLLMENT.—

18 “(i) ONE CATEGORY.—For purposes
19 of deeming a child to be a child care cov-
20 ered child under subparagraph (A), a State
21 agency may not be required to show that
22 a child meets more than one requirement
23 specified in clauses (i) through (viii) of
24 such subparagraph.

1 “(ii) DEEMING REQUIREMENT.—If a
2 State agency submits to the Secretary in-
3 formation that a child meets any one of
4 the requirements specified in clauses (i)
5 through (viii) of subparagraph (A), the
6 Secretary shall deem such child a child
7 care covered child under such subpara-
8 graph.

9 “(j) EXCLUSIONS.—The provisions of section 16 of
10 the Food and Nutrition Act of 2008 (7 U.S.C. 2025) re-
11 lating to quality control shall not apply with respect to
12 assistance provided under this section.

13 “(k) FEASIBILITY ANALYSIS.—

14 “(1) IN GENERAL.—Not later than 30 days
15 after the date of the enactment of the Child Nutri-
16 tion and Related Programs Recovery Act, the Sec-
17 retary shall submit to the Education and Labor
18 Committee and the Agriculture Committee of the
19 House of Representatives and the Committee on Ag-
20 riculture, Nutrition, and Forestry of the Senate a
21 report on—

22 “(A) the feasibility of implementing the
23 program for eligible children under this section
24 using an EBT system in Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands,

1 and American Samoa similar to the manner in
2 which the supplemental nutrition assistance
3 program under the Food and Nutrition Act of
4 2008 is operated in the States, including an
5 analysis of—

6 “(i) the current nutrition assistance
7 program issuance infrastructure;

8 “(ii) the availability of—

9 “(I) an EBT system, including
10 the ability for authorized retailers to
11 accept EBT cards; and

12 “(II) EBT cards;

13 “(iii) the ability to limit purchases
14 using nutrition assistance program benefits
15 to food for home consumption; and

16 “(iv) the availability of reliable data
17 necessary for the implementation of such
18 program under this section for eligible chil-
19 dren and child care covered children, in-
20 cluding the names of such children and the
21 mailing addresses of their households; and

22 “(B) the feasibility of implementing the
23 program for child care covered children under
24 subsection (i) in Puerto Rico, the Common-
25 wealth of the Northern Mariana Islands, and

1 American Samoa, including with respect to such
2 program each analysis specified in clauses (i)
3 through (iv) of subparagraph (A).

4 “(2) CONTINGENT AVAILABILITY OF PARTICIPA-
5 TION.—Beginning 30 days after the date of the en-
6 actment of the Child Nutrition and Related Pro-
7 grams Recovery Act, Puerto Rico, the Common-
8 wealth of the Northern Mariana Islands, and Amer-
9 ican Samoa may each—

10 “(A) submit a plan under subsection (b),
11 unless the Secretary makes a finding, based on
12 the analysis provided under paragraph (1)(A),
13 that the implementation of the program for eli-
14 gible children under this section is not feasible
15 in such territories; and

16 “(B) submit a plan under subsection (i),
17 unless the Secretary makes a finding, based on
18 the analysis provided under paragraph (1)(B),
19 that the implementation of the program for
20 child care covered children under subsection (i)
21 is not feasible in such territories.”;

22 (8) in subsection (l), as redesigned by para-
23 graph (7)—

24 (A) by redesignating paragraph (1) as
25 paragraph (3);

1 (B) by redesignating paragraphs (2) and
2 (3) as paragraphs (5) and (6), respectively;

3 (C) by inserting before paragraph (3) (as
4 so redesignated) the following:

5 “(1) The term ‘child care center’ means an or-
6 ganization described in subparagraph (A) or (B) of
7 section 17(a)(2) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1766(a)(2)) and a
9 family or group day care home.

10 “(2) The term ‘child care covered child’ means
11 a child served under section 17 of the Richard B.
12 Russell National School Lunch Act (42 U.S.C.
13 1766) who, if not for the closure of the child care
14 center attended by the child during a public health
15 emergency designation and due to concerns about a
16 COVID–19 outbreak, would receive meals under
17 such section at the child care center.”; and

18 (D) by inserting after paragraph (3) (as so
19 redesignated) the following:

20 “(4) The term ‘free rate’ means—

21 “(A) with respect to a breakfast, the rate
22 of a free breakfast under the school breakfast
23 program under section 4 of the Child Nutrition
24 Act of 1966 (42 U.S.C. 1773); and

1 “(B) with respect to a lunch, the rate of
2 a free lunch under the school lunch program
3 under the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1771 et seq.)”; and
5 (9) in subsection (m), as redesignated by para-
6 graph (7), by inserting “(including all administrative
7 expenses)” after “this section”.

8 **SEC. 180004. FRESH PRODUCE FOR KIDS IN NEED.**

9 Section 2202(f)(1) of the Families First Coronavirus
10 Response Act (Public Law 116–127) is amended by add-
11 ing at the end the following:

12 “(E) The fresh fruit and vegetable pro-
13 gram under section 19 of the Richard B. Rus-
14 sell National School Lunch Act (42 U.S.C.
15 1769a).”.

16 **SEC. 180005. WIC BENEFIT FLEXIBILITY DURING COVID-19**
17 **ACT.**

18 (a) IN GENERAL.—

19 (1) AUTHORITY TO INCREASE AMOUNT OF
20 CASH-VALUE VOUCHER.—During the COVID–19
21 public health emergency declared under section 319
22 of the Public Health Service Act (42 U.S.C. 247d)
23 and in response to challenges related to such public
24 health emergency, the Secretary may increase the
25 amount of a cash-value voucher under a qualified

1 food package to an amount less than or equal to
2 \$35.

3 (2) APPLICATION OF INCREASED AMOUNT OF
4 CASH-VALUE VOUCHER TO STATE AGENCIES.—

5 (A) NOTIFICATION.—An increase to the
6 amount of a cash-value voucher under para-
7 graph (1) shall apply to any State agency that
8 notifies the Secretary of the intent to use such
9 an increased amount, without further applica-
10 tion.

11 (B) USE OF INCREASED AMOUNT.—A
12 State agency that notifies the Secretary under
13 subparagraph (A) may use or not use the in-
14 creased amount described in such subparagraph
15 during the period beginning on the date of the
16 notification by the State agency under such
17 subparagraph and ending September 30, 2020.

18 (3) APPLICATION PERIOD.—An increase to the
19 amount of a cash-value voucher under paragraph (1)
20 may only apply during the period beginning on the
21 date of the enactment of this section and ending on
22 September 30, 2020.

23 (4) SUNSET.—The authority to make an in-
24 crease to the amount of a cash-value voucher under
25 paragraph (1) or to use such an increased amount

1 under paragraph (2)(B) shall terminate on Sep-
2 tember 30, 2020.

3 (b) DEFINITIONS.—

4 (1) CASH-VALUE VOUCHER.—The term “cash-
5 value voucher” has the meaning given the term in
6 section 246.2 of title 7, Code of Federal Regula-
7 tions.

8 (2) QUALIFIED FOOD PACKAGE.—The term
9 “qualified food package” means the following food
10 packages under section 246.10(e) of title 7, Code of
11 Federal Regulations:

12 (A) Food Package IV—Children 1 through
13 4 years.

14 (B) Food Package V—Pregnant and par-
15 tially (mostly) breastfeeding women.

16 (C) Food Package VI—Postpartum women.

17 (D) Food Package VII—Fully
18 breastfeeding.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

21 (4) STATE AGENCY.—The term “State agency”
22 has the meaning given the term in section 17(b) of
23 the Child Nutrition Act of 1966 (42 U.S.C.
24 1786(b)).

1 **SEC. 180006. CALCULATION OF PAYMENTS AND REIM-**
2 **BURSEMENTS FOR CERTAIN CHILD NUTRI-**
3 **TION PROGRAMS.**

4 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
5 LUNCH ACT.—

6 (1) NUTRITION PROMOTION.—Notwithstanding
7 any other provision of law, for purposes of making
8 a payment to a State under section 5 of the Richard
9 B. Russell National School Lunch Act (42 U.S.C.
10 1754), the Secretary shall deem the number of
11 lunches served by school food authorities in such
12 State during the 2020 period to be equal to the
13 greater of the following:

14 (A) The number of lunches served by such
15 school food authorities in such State during the
16 2019 period.

17 (B) The number of lunches served by such
18 school food authorities in such State during the
19 2020 period.

20 (2) COMMODITY ASSISTANCE.—Notwithstanding
21 any other provision of law, for purposes of providing
22 commodity assistance to a State under section
23 6(c)(1)(C) of the Richard B. Russell National School
24 Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assist-
25 ance in lieu of such commodity assistance under sec-
26 tion 16 of such Act (42 U.S.C. 1765) the Secretary

1 shall deem the number of lunches served by school
2 food authorities in such State during the 2020 pe-
3 riod to be equal to the greater of the following:

4 (A) The number of lunches served by such
5 school food authorities in such State during the
6 2019 period.

7 (B) The number of lunches served by such
8 school food authorities in such State during the
9 2020 period.

10 (3) SPECIAL ASSISTANCE PAYMENTS.—Notwith-
11 standing any other provision of law, in determining
12 the number of meals served by a school for purposes
13 of making special assistance payments to a State
14 with respect to a school under subparagraph (B),
15 clause (ii) or (iii) of subparagraph (C), or subpara-
16 graph (E)(i)(II) of section 11(a)(1) of the Richard
17 B. Russell National School Lunch Act (42 U.S.C.
18 1759a(a)(1)), the Secretary shall deem the number
19 of meals served by such school during the 2020 pe-
20 riod to be equal to the greater of the following:

21 (A) The number of meals served by such
22 school during the 2019 period.

23 (B) The number of meals served by such
24 school during the 2020 period.

25 (b) CHILD NUTRITION ACT OF 1966.—

1 (1) STATE ADMINISTRATIVE EXPENSES.—Not-
2 withstanding any other provision of law, for pur-
3 poses of making payments to a State under section
4 7(a) of the Child Nutrition Act of 1966 (42 U.S.C.
5 1776(a)), the Secretary shall deem the number of
6 meals and supplements served by such school food
7 authorities in such State during the 2020 period to
8 be equal to the greater of the following:

9 (A) The number of meals and supplements
10 served by such school food authorities in such
11 State during the 2019 period.

12 (B) The number of meals and supplements
13 served by such school food authorities in such
14 State during the 2020 period.

15 (2) TEAM NUTRITION NETWORK.—Notwith-
16 standing any other provision of law, for purposes of
17 making allocations to a State under section 19(d) of
18 the Child Nutrition Act of 1966 (42 U.S.C.
19 1788(d)), the Secretary shall deem the number of
20 lunches served by school food authorities in such
21 State during the 2020 period to be equal to the
22 greater of the following:

23 (A) The number of lunches served by such
24 school food authorities in such State during the
25 2019 period.

1 (B) The number of lunches served by such
2 school food authorities in such State during the
3 2020 period.

4 (c) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (2) 2019 PERIOD.—The term “2019 period”
8 means the period beginning March 1, 2019 and end-
9 ing June 30, 2019.

10 (3) 2020 PERIOD.—The term “2020 period”
11 means the period beginning March 1, 2020 and end-
12 ing June 30, 2020.

13 **SEC. 180007. REPORTING ON WAIVER AUTHORITY.**

14 (a) IN GENERAL.—Not later than 10 days after the
15 date of the receipt or issuance of each document listed
16 in paragraph (1), (2), or (3) of this subsection, the Sec-
17 retary of Agriculture shall make publicly available on the
18 website of the Department of Agriculture the following
19 documents:

20 (1) Any request submitted by State agencies for
21 a qualified waiver.

22 (2) The Secretary’s approval or denial of each
23 such request.

24 (3) Any guidance issued by the Secretary with
25 respect to a qualified waiver.

1 (b) INCLUSION OF DATE WITH GUIDANCE.—With re-
2 spect to the guidance described in subsection (a)(3), the
3 Secretary of Agriculture shall include the date on which
4 such guidance was issued on the publicly available website
5 of the Department of Agriculture on such guidance.

6 (c) QUALIFIED WAIVER DEFINED.—In this section,
7 the term “qualified waiver” means a waiver under section
8 2102, 2202, 2203, or 2204 of the Families First
9 Coronavirus Response Act (Public Law 116–127).

1 **DIVISION S—OTHER MATTERS**
2 **TITLE I—HEALTH CARE ACCESS**
3 **FOR URBAN NATIVE VET-**
4 **ERANS ACT**

5 **SEC. 190101. SHORT TITLE.**

6 This title may be cited as the “Health Care Access
7 for Urban Native Veterans Act”.

8 **SEC. 190102. SHARING ARRANGEMENTS WITH FEDERAL**
9 **AGENCIES.**

10 Section 405 of the Indian Health Care Improvement
11 Act (25 U.S.C. 1645) is amended—

12 (1) in subsection (a)(1), by inserting “urban In-
13 dian organizations,” before “and tribal organiza-
14 tions”; and

15 (2) in subsection (c)—

16 (A) by inserting “urban Indian organiza-
17 tion,” before “or tribal organization”; and

18 (B) by inserting “an urban Indian organi-
19 zation,” before “or a tribal organization”.

20 **TITLE II—TRIBAL SCHOOL**
21 **FEDERAL INSURANCE PARITY**

22 **SEC. 190201. SHORT TITLE.**

23 This title may be cited as the “Tribal School Federal
24 Insurance Parity Act”.

1 **SEC. 190202. AMENDMENT TO THE INDIAN HEALTH CARE**
2 **IMPROVEMENT ACT.**

3 Section 409 of the Indian Health Care Improvement
4 Act (25 U.S.C. 1647b) is amended by inserting “or the
5 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
6 et seq.)” after “(25 U.S.C. 450 et seq.)”.

7 **TITLE III—PRC FOR NATIVE**
8 **VETERANS ACT**

9 **SEC. 190301. SHORT TITLE.**

10 This title may be cited as the “Proper and Reim-
11 bursed Care for Native Veterans Act” or the “PRC for
12 Native Veterans Act”.

13 **SEC. 190302. CLARIFICATION OF REQUIREMENT OF DE-**
14 **PARTMENT OF VETERANS AFFAIRS AND DE-**
15 **PARTMENT OF DEFENSE TO REIMBURSE IN-**
16 **DIAN HEALTH SERVICE FOR CERTAIN**
17 **HEALTH CARE SERVICES.**

18 Section 405(c) of the Indian Health Care Improve-
19 ment Act (25 U.S.C. 1645) is amended by inserting before
20 the period at the end the following: “, regardless of wheth-
21 er such services are provided directly by the Service, an
22 Indian tribe, or tribal organization, through contract
23 health services, or through a contract for travel described
24 in section 213(b)”.

1 **TITLE IV—WILDLIFE-BORNE**
2 **DISEASE PREVENTION**

3 **SEC. 190401. SHORT TITLE.**

4 This title may be cited as the “Wildlife-Borne Disease
5 Prevention Act of 2020”.

6 **SEC. 190402. MEASURES TO ADDRESS SPECIES THAT POSE**
7 **A RISK TO HUMAN HEALTH.**

8 (a) SPECIES THAT POSE A RISK TO HUMAN
9 HEALTH.—

10 (1) IN GENERAL.—The Secretaries shall, in
11 consultation with the Director of the Centers for
12 Disease Control, the United States Geological Sur-
13 vey, and other relevant Federal agencies, identify
14 wildlife species (or larger taxonomic groups, if ap-
15 propriate) that could pose a biohazard risk to
16 human health, and perform a risk analysis with re-
17 spect to each such species for the purposes of deter-
18 mining whether such species is injurious within the
19 meaning of section 42 of title 18, United States
20 Code.

21 (2) DRAFT LIST.—The Secretaries shall, not
22 later than 90 days after the date of enactment of
23 this Act, publish a draft of the list required by para-
24 graph (1).

1 (3) FINAL LIST.—The Secretaries shall, not
2 later than 1 year after the date of enactment of this
3 Act, publish a final list required by paragraph (1).

4 (b) INTERNATIONAL ASSISTANCE.—The Secretaries
5 shall, in consultation with the Secretary of State, provide
6 assistance to foreign countries to end the trade of wildlife
7 that poses a risk to humans because of transmission of
8 pathogens that cause disease.

9 (c) INSPECTIONS AND INTERDICTION.—The Sec-
10 retary of the Interior shall complete development on the
11 electronic permitting system of the United States Fish and
12 Wildlife Service and provide for law enforcement inspec-
13 tion and interdiction of any injurious wildlife species.

14 (d) AUTHORIZATION OF APPROPRIATION.—There is
15 authorized to be appropriated \$21,000,000 to remain
16 available until expended for fiscal year 2020 to carry out
17 this section.

18 (e) SECRETARIES.—In this section the term “Secre-
19 taries” means the Secretary of Commerce, acting through
20 the Assistant Administrator for Fisheries, and the Sec-
21 retary of the Interior, acting through the Director of the
22 United States Fish and Wildlife Service.

1 **SEC. 190403. TRADE OF INJURIOUS SPECIES AND SPECIES**
2 **THAT POSE A RISK TO HUMAN HEALTH.**

3 Section 42 of title 18, United States Code, is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by inserting “or any interstate
8 transport between States within the conti-
9 nental United States,” after “shipment be-
10 tween the continental United States, the
11 District of Columbia, Hawaii, the Com-
12 monwealth of Puerto Rico, or any posses-
13 sion of the United States,”; and

14 (ii) by striking “to be injurious to
15 human beings, to the interests of agri-
16 culture” and inserting “to be injurious to
17 or to transmit a pathogen that can cause
18 disease in humans, to be injurious to the
19 interests of agriculture”; and

20 (B) by adding at the end the following:

21 “(6) In the case of an emergency posing a sig-
22 nificant risk to the health of humans, the Secretary
23 of the Interior may designate a species by interim
24 final rule. At the time of publication of the regula-
25 tion in the Federal Register, the Secretary shall
26 publish therein detailed reasons why such regulation

1 is necessary, and in the case that such regulation
2 applies to a native species, the Secretary shall give
3 actual notice of such regulation to the State agency
4 in each State in which such species is believed to
5 occur. Any regulation promulgated under the au-
6 thority of this paragraph shall cease to have force
7 and effect at the close of the 365-day period fol-
8 lowing the date of publication unless, during such
9 365-day period, the rulemaking procedures which
10 would apply to such regulation without regard to
11 this paragraph are complied with. If at any time
12 after issuing an emergency regulation the Secretary
13 determines, on the basis of the best appropriate data
14 available to the Secretary, that substantial evidence
15 does not exist to warrant such regulation, the Sec-
16 retary shall withdraw it.

17 “(7) Not more than 90 days after receiving a
18 petition of an interested person under section 553(e)
19 of title 5, United States Code, to determine that a
20 species is injurious under this section, the Secretary
21 of the Interior shall determine whether such petition
22 has scientific merit. If the Secretary determines a
23 petition has scientific merit, such Secretary shall
24 make a determination regarding such petition not

1 more than 12 months after the date such Secretary
2 received such petition.”; and

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) Any person who knowingly imports, ships, or
6 transports any species in violation of subsection (a) of this
7 section and who reasonably should have known that the
8 species at issue in such violation is a species listed in sub-
9 section (a) of this section, or in any regulation issued pur-
10 suant thereto, shall be fined under this title or imprisoned
11 not more than six months, or both.”.

12 **SEC. 190404. NATIONAL WILDLIFE HEALTH CENTER.**

13 (a) WILDLIFE DISEASE SURVEILLANCE.—The Direc-
14 tor shall establish and maintain a national database of
15 wildlife disease, including diseases that cause a human
16 health risk, at the National Wildlife Health Center. The
17 Director, acting through such Center, shall, with respect
18 to wildlife disease—

19 (1) develop, validate, and deploy diagnostic
20 tests;

21 (2) provide diagnostic services to Federal,
22 State, and Tribal natural resource management
23 agencies; and

24 (3) provide confirmatory testing of diagnostic
25 results.

1 (b) STRATEGIES FOR MITIGATION.—The Director
2 shall—

3 (1) develop a framework for wildlife disease ex-
4 perts in the United States to conduct risk assess-
5 ments of wildlife diseases;

6 (2) communicate risk factors associated with
7 wildlife diseases to the public;

8 (3) develop strategies to mitigate the threat
9 posed by wildlife disease; and

10 (4) in coordination with the Director of the
11 United States Fish and Wildlife Service—

12 (A) monitor wildlife disease threats to
13 evaluate the risk posed by and impact of such
14 diseases on the United States, conduct research
15 and development to create statistically sup-
16 ported sampling frameworks for broad-scale
17 surveillance of wildlife disease threats;

18 (B) conduct research on human dimensions
19 of wildlife disease transmission and on effective
20 outreach to stakeholders to help manage wildlife
21 disease;

22 (C) conduct statistical modeling to under-
23 stand and predict wildlife disease movement;
24 and

1 (D) make recommendations to the Sec-
2 retary of the Interior on wildlife species to be
3 listed as injurious under section 42 of title 18,
4 United States Code.

5 (c) INTERNATIONAL SURVEILLANCE.—The Director,
6 in coordination with the Administrator for the United
7 States Agency for International Development, may
8 strengthen global capacity for wildlife health monitoring
9 to enhance early detection of diseases that have the capac-
10 ity to jump the species barrier and pose a risk to the
11 United States, including by providing funding for—

12 (1) academic, governmental, and nongovern-
13 mental partner entities working to prevent wildlife
14 disease outbreaks, emerging pathogens of wildlife or-
15 igin, and epidemics or pandemics;

16 (2) building wildlife disease diagnostic capacity
17 and monitoring systems in countries with areas that
18 pose a high risk for animal-to-human transmission
19 of disease; and

20 (3) providing technical assistance through train-
21 ing, data sharing, and performing testing in coun-
22 tries with areas that pose a high risk for animal-to-
23 human transmission of disease.

1 (d) DIRECTOR.—In this section, the term “Director”
2 means the Director of the United States Geological Sur-
3 vey.

4 (e) WILDLIFE DISEASE.—In this section, the term
5 “wildlife disease” means a disease-causing agent in wild-
6 life that potentially poses a threat to human health.

7 **SEC. 190405. SURVEILLANCE BY STATES, TRIBES, TERRI-
8 TORIES, AND INSULAR AREAS.**

9 (a) WILDLIFE DISEASE SURVEILLANCE, RESEARCH,
10 MANAGEMENT, AND EDUCATION.—The Director or the
11 United States Fish and Wildlife Service shall establish a
12 grant program to provide onetime funding to the States,
13 the District of Columbia, Tribes, and the territories and
14 insular areas of the United States to conduct epidemiolog-
15 ical surveillance, research, management, and education re-
16 lating to emerging wildlife disease.

17 **TITLE V—PANDEMIC RELIEF
18 FOR AVIATION WORKERS AND
19 PASSENGERS**

20 **SEC. 190501. PANDEMIC RELIEF FOR AVIATION WORKERS.**

21 (a) APPLICABILITY OF ASSURANCE REGARDING FUR-
22 LOUGHS.—Section 4114(a)(1) of the Coronavirus Aid, Re-
23 lief, and Economic Security Act (Public Law 116–136) is
24 amended by striking “September 30, 2020” and inserting

1 “the date on which such financial assistance is fully ex-
2 hausted by the air carrier or contractor”.

3 (b) PROTECTION OF COLLECTIVE BARGAINING
4 AGREEMENT.—Section 4115 of such Act is amended—

5 (1) in subsection (a) by striking “(a) IN GEN-
6 ERAL.—”; and

7 (2) by striking subsection (b).

8 **SEC. 190502. TRANSPARENCY OF FINANCIAL ASSISTANCE.**

9 (a) DISCLOSURE OF FINANCIAL ASSISTANCE.—Not
10 later than 72 hours after issuance of financial assistance
11 by the Secretary of the Treasury pursuant to section
12 4112(a) of the Coronavirus Aid, Relief, and Economic Se-
13 curity Act (Public Law 116–136), the Secretary shall pub-
14 lish on the website of the Department of the Treasury and
15 shall submit to the congressional committees of jurisdic-
16 tion—

17 (1) a plain-language description of the financial
18 assistance, including the date of application, date of
19 application approval, and identity of the recipient of
20 financial assistance;

21 (2) the amount of the financial assistance; and

22 (3) a copy of any contract or assurances, if ap-
23 plicable, and other relevant documentation regarding
24 the financial assistance.

1 (b) TRADE SECRETS.—Notwithstanding any other
2 provision of law, the Secretary may redact, from a disclo-
3 sure under subsection (a), any trade secret other than the
4 amount of or conditions attached to the issuance of finan-
5 cial assistance.

6 (c) DEFINITIONS.—In this section:

7 (1) CONGRESSIONAL COMMITTEES OF JURISDIC-
8 TION.—The term “congressional committees of juris-
9 diction” means the Committee on Transportation
10 and Infrastructure and the Committee on Financial
11 Services of the House of Representatives and the
12 Committee on Commerce, Science, and Transpor-
13 tation and the Committee on Banking, Housing, and
14 Urban Affairs of the Senate.

15 (2) TRADE SECRET DEFINED.—The term
16 “trade secret” means any financial or business infor-
17 mation provided by the recipient of financial assist-
18 ance under section 4112(a) of the Coronavirus Aid,
19 Relief, and Economic Security Act (Public Law
20 116–136), if—

21 (A) such recipient has taken reasonable
22 measures to keep such information secret; and

23 (B) the information derives independent
24 economic value, actual or potential, from not
25 being generally known to, and not being readily

1 ascertainable through proper means by, another
2 person who can obtain economic value from the
3 disclosure or use of the information.

4 (d) SAVINGS PROVISION.—Nothing in this section
5 shall be construed as eliminating or abridging any report-
6 ing requirement under the Coronavirus Aid, Relief, and
7 Economic Security Act (Public Law 116–136).

8 **SEC. 190503. AIR CARRIER MAINTENANCE OUTSOURCING.**

9 (a) IN GENERAL.—A passenger air carrier receiving
10 a loan, loan guarantee, or other investment under section
11 4003 of the Coronavirus Aid, Relief, and Economic Secu-
12 rity Act (Public Law 116–136) may not apply the pro-
13 ceeds of such assistance toward a contract for heavy main-
14 tenance work at a facility located outside of the United
15 States if such contract would increase the ratio of mainte-
16 nance work performed outside of the United States to all
17 maintenance work performed by or on behalf of such air
18 carrier at all locations.

19 (b) DEFINITION OF HEAVY MAINTENANCE WORK.—
20 In this section, the term “heavy maintenance work” has
21 the meaning given the term in section 44733(g) of title
22 49, United States Code.

23 **SEC. 190504. NATIONAL AVIATION PREPAREDNESS PLAN.**

24 (a) IN GENERAL.—The Secretary of Transportation,
25 in coordination with the Secretary of Health and Human

1 Services, the Secretary of Homeland Security, and the
2 heads of such other Federal departments or agencies as
3 the Secretary considers appropriate, shall develop a na-
4 tional aviation preparedness plan for communicable dis-
5 ease outbreaks.

6 (b) CONTENTS OF PLAN.—A plan developed under
7 subsection (a) shall, at a minimum—

8 (1) provide airports and air carriers with an
9 adaptable and scalable framework with which to
10 align the individual plans of such airports and air
11 carriers and provide appropriate guidance as to each
12 individual plan;

13 (2) improve coordination among airports, air
14 carriers, U.S. Customs and Border Protection, the
15 Centers for Disease Control and Prevention, other
16 appropriate Federal entities, and State and local
17 governments or health agencies on developing poli-
18 cies that increase the effectiveness of screening,
19 quarantining, and contact-tracing with respect to in-
20 bound international passengers;

21 (3) ensure that at-risk employees are equipped
22 with appropriate personal protective equipment to
23 reduce the likelihood of exposure to pathogens in the
24 event of a pandemic;

1 (4) ensure aircraft and enclosed facilities
2 owned, operated, or used by an air carrier or airport
3 are cleaned, disinfected, and sanitized frequently in
4 accordance with Centers for Disease Control and
5 Prevention guidance; and

6 (5) incorporate all elements referenced in the
7 recommendation of the Comptroller General of the
8 United States to the Secretary of Transportation
9 contained in the report titled “Air Travel and Com-
10 municable Diseases: Comprehensive Federal Plan
11 Needed for U.S. Aviation System’s Preparedness”
12 issued in December 2015 (GAO–16–127).

13 (c) CONSULTATION.—When developing a plan under
14 subsection (a), the Secretary of Transportation shall con-
15 sult with aviation industry and labor stakeholders, includ-
16 ing representatives of—

17 (1) air carriers;

18 (2) small, medium, and large hub airports;

19 (3) labor organizations that represent airline pi-
20 lots, flight attendants, air carrier airport customer
21 service representatives, and air carrier maintenance,
22 repair, and overhaul workers;

23 (4) the labor organization certified under sec-
24 tion 7111 of title 5, United States Code, as the ex-

1 exclusive bargaining representative of air traffic con-
2 trollers of the Federal Aviation Administration;

3 (5) the labor organization certified under such
4 section as the exclusive bargaining representative of
5 airway transportation systems specialists and avia-
6 tion safety inspectors of the Federal Aviation Ad-
7 ministration; and

8 (6) such other stakeholders as the Secretary
9 considers appropriate.

10 (d) REPORT.—Not later than 30 days after the plan
11 is developed under subsection (a), the Secretary shall sub-
12 mit to the appropriate committees of Congress such plan.

13 (e) DEFINITION OF AT-RISK EMPLOYEES.—In this
14 section, the term “at-risk employees” means—

15 (1) individuals whose job duties require inter-
16 action with air carrier passengers on a regular and
17 continuing basis that are employees of—

18 (A) air carriers;

19 (B) air carrier contractors;

20 (C) airports; and

21 (D) Federal departments or agencies; and

22 (2) air traffic controllers and systems safety
23 specialists of the Federal Aviation Administration.

1 **SEC. 190505. WORKING AND TRAVEL CONDITIONS.**

2 For the duration of the national emergency declared
3 by the President under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) related to the pandemic of SARS–
5 CoV–2 or coronavirus disease 2019 (COVID–19), an air
6 carrier operating under part 121 of title 14, Code of Fed–
7 eral Regulations, shall—

8 (1) require each passenger and cabin crew-
9 member to wear a mask or protective face covering
10 while on board an aircraft of the air carrier;

11 (2) require each flight crewmember to wear a
12 mask or protective face covering while on board an
13 aircraft but outside the flight deck;

14 (3) submit to the Administrator of the Federal
15 Aviation Administration a proposal to permit flight
16 crew members of the air carrier to wear a mask or
17 protective face covering while at their stations in the
18 flight deck, including a safety risk assessment with
19 respect to such proposal;

20 (4) provide flight and cabin crewmembers, air-
21 port customer service agents, and other employees
22 whose job responsibilities involve interaction with
23 passengers with masks or protective face coverings,
24 gloves, and hand sanitizer and wipes with sufficient
25 alcohol content;

1 (5) ensure aircraft, including the cockpit and
2 cabin, operated by such carrier are cleaned, dis-
3 infected, and sanitized after each use in accordance
4 with Centers for Disease Control and Prevention
5 guidance;

6 (6) ensure enclosed facilities owned, operated,
7 or used by such air carrier, including facilities used
8 for flight or cabin crewmember training or perform-
9 ance of indoor maintenance, repair, or overhaul
10 work, are cleaned, disinfected, and sanitized fre-
11 quently in accordance with Centers for Disease Con-
12 trol and Prevention guidance;

13 (7) provide air carrier employees whose job re-
14 sponsibilities involve cleaning, disinfecting, and sani-
15 tizing aircraft or enclosed facilities described in
16 paragraphs (5) and (6) with masks or protective
17 face coverings and gloves, and ensure that each con-
18 tractor of the air carrier provides employees of such
19 contractor with such materials; and

20 (8) establish guidelines, or adhere to applicable
21 guidelines, for notifying employees of a confirmed
22 COVID-19 diagnosis of an employee of such air car-
23 rier and for identifying other air carrier employees
24 whom such employee contacted in the 48-hour period
25 before the employee developed symptoms.

1 **SEC. 190506. PROTECTION OF CERTAIN FEDERAL AVIATION**
2 **ADMINISTRATION EMPLOYEES.**

3 (a) IN GENERAL.—For the duration of the national
4 emergency declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
6 pandemic of SARS–CoV–2 or coronavirus disease 2019
7 (COVID–19), in order to maintain the safe and efficient
8 operation of the air traffic control system, the Adminis-
9 trator of the Federal Aviation Administration shall—

10 (1) provide air traffic controllers and airway
11 transportation systems specialists of the Administra-
12 tion with masks or protective face coverings, gloves,
13 and hand sanitizer and wipes with sufficient alcohol
14 content;

15 (2) ensure air traffic control facilities are
16 cleaned, disinfected, and sanitized frequently in ac-
17 cordance with Centers for Disease Control and Pre-
18 vention guidance; and

19 (3) provide employees of the Administration
20 whose job responsibilities involve cleaning, dis-
21 infecting, and sanitizing facilities described in para-
22 graph (2) with masks or protective face coverings
23 and gloves, and ensure that each contractor of the
24 Administration provides employees of such con-
25 tractor with such materials.

1 (b) SOURCE OF EQUIPMENT.—The items described
2 in subsection (a)(1) may be procured or provided under
3 such subsection through any sources available to the Ad-
4 ministrator.

1 **TITLE VI—AMTRAK AND RAIL**
2 **WORKERS**

3 **SEC. 190601. AMTRAK COVID-19 REQUIREMENTS.**

4 (a) IN GENERAL.—For the duration of the national
5 emergency declared by the President under the National
6 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
7 pandemic of SARS-CoV-2 or coronavirus disease
8 (COVID-19), Amtrak shall—

9 (1) require each passenger and employee of
10 Amtrak, including engineers, conductors, and on-
11 board service workers, to wear a mask or other pro-
12 tective face covering while onboard an Amtrak train;

13 (2) take such actions as are reasonable to en-
14 sure passenger compliance with the requirement
15 under paragraph (1);

16 (3) provide masks or protective face coverings,
17 gloves, and hand sanitizer and sanitizing wipes with
18 sufficient alcohol content to—

19 (A) conductors, engineers, and onboard
20 service workers;

21 (B) ticket agents, station agents, and red
22 cap agents; and

23 (C) any other employees whose job respon-
24 sibilities include interaction with passengers;

1 (4) ensure Amtrak trains, including the loco-
2 motive cab and passenger cars, are cleaned, dis-
3 infected, and sanitized frequently in accordance with
4 guidance issued by the Centers for Disease Control
5 and Prevention and ensure that employees whose job
6 responsibilities include such cleaning, disinfecting, or
7 sanitizing are provided masks or protective face cov-
8 erings and gloves;

9 (5) ensure stations and enclosed facilities that
10 Amtrak owns and operates including facilities used
11 for training or the performance of indoor mainte-
12 nance, repair, or overhaul work, are cleaned, dis-
13 infected, and sanitized frequently in accordance with
14 guidance issued by the Centers for Disease Control
15 and Prevention and ensure that employees whose job
16 responsibilities include such cleaning, disinfecting, or
17 sanitizing are provided masks or protective face cov-
18 erings and gloves;

19 (6) take such actions as are reasonable to en-
20 sure that stations or facilities served or used by Am-
21 trak that Amtrak does not own are cleaned, dis-
22 infected, and sanitized frequently in accordance with
23 Centers for Disease Control and Prevention guid-
24 ance;

1 (7) ensure that each contractor of Amtrak pro-
2 vides masks or protective face coverings and gloves
3 to employees of such contractor whose job respon-
4 sibilities include those described in paragraphs (4)
5 and (5); and

6 (8) establish guidelines, or adhere to existing
7 applicable guidelines, for notifying employees of a
8 confirmed diagnosis of COVID–19 of an employee of
9 Amtrak.

10 (b) AVAILABILITY.—If Amtrak is unable to acquire
11 any of the items necessary to comply with paragraphs (3),
12 (4), and (5) of subsection (a) due to market unavailability,
13 Amtrak shall—

14 (1) prepare and make public documentation
15 demonstrating what actions have been taken to ac-
16 quire such items; and

17 (2) continue efforts to acquire such items until
18 such items become available.

19 **SEC. 190602. ADDITIONAL ENHANCED BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
23 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is
24 amended—

1 (1) by striking “July 31, 2020” and inserting
2 “December 31, 2020, and for any registration peri-
3 ods during a period of continuing unemployment
4 which began on or before December 31, 2020”; and

5 (2) by adding at the end “No recovery benefit
6 under this section shall be payable for any registra-
7 tion period beginning on or after July 1, 2021.”

8 (b) ADDITIONAL APPROPRIATIONS.—Section
9 2(a)(5)(B) of the Railroad Unemployment Insurance Act
10 (45 U.S.C. 352(a)(5)(B) is amended by adding at the end
11 the following:

12 “In addition to the amount appropriated by the pre-
13 ceding sentence, out of any funds in the Treasury not oth-
14 erwise appropriated, there are appropriated
15 \$1,000,000,000 to cover the cost of recovery benefits pro-
16 vided under subparagraph (A), to remain available until
17 expended.”.

18 (c) DISREGARD OF RECOVERY BENEFITS FOR PUR-
19 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
20 PROGRAMS.—Section 2(a)(5) of the Railroad Unemploy-
21 ment Insurance Act (45 U.S.C. 352(a)(5)) is amended by
22 adding at the end the following:

23 “(C) A recovery benefit payable under sub-
24 paragraph (A) shall not be regarded as income
25 and shall not be regarded as a resource for the

1 month of receipt and the following 9 months,
2 for purposes of determining the eligibility of the
3 recipient (or the recipient's spouse or family)
4 for benefits or assistance, or the amount or ex-
5 tent of benefits or assistance, under any Fed-
6 eral program or under any State or local pro-
7 gram financed in whole or in part with Federal
8 funds.”.

9 (d) CLARIFICATION ON AUTHORITY TO USE
10 FUNDS.—Funds appropriated under either the first or
11 second sentence of subparagraph (B) of section 2(a)(5)
12 of the Railroad Unemployment Insurance Act shall be
13 available to cover the cost of recovery benefits provided
14 under such section 2(a)(5) by reason of the amendments
15 made by subsection (a) as well as to cover the cost of such
16 benefits provided under such section 2(a)(5) as in effect
17 on the day before the date of enactment of this Act.

18 **SEC. 190603. TREATMENT OF PAYMENTS FROM THE RAIL-**
19 **ROAD UNEMPLOYMENT INSURANCE AC-**
20 **COUNT.**

21 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985 (2
23 U.S.C. 906(i)(1)) is amended—

24 (1) in subparagraph (B), by striking “and” at
25 the end;

1 (2) in subparagraph (C), by inserting “and” at
2 the end; and

3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:

5 “(D) any payment made from the Railroad Un-
6 employment Insurance Account (established by sec-
7 tion 10 of the Railroad Unemployment Insurance
8 Act) for the purpose of carrying out the Railroad
9 Unemployment Insurance Act, and funds appro-
10 priated or transferred to or otherwise deposited in
11 such Account,”.

12 (b) EFFECTIVE DATE.—The treatment of payments
13 made from the Railroad Unemployment Insurance Ac-
14 count pursuant to the amendment made by subsection (a)
15 shall take effect 7 days after the date of enactment of this
16 Act and shall apply only to obligations incurred on or after
17 such effective date for such payments.

18 **SEC. 190604. TECHNICAL CORRECTION FOR EXTENDED UN-**
19 **EMPLOYMENT BENEFITS UNDER THE RAIL-**
20 **ROAD UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(e)(2)(D)(iii) of the Railroad Unemployment
22 Insurance Act (45 U.S.C. 352(e)(2)(D)(iii)) is amended
23 by striking “July 1, 2019” and inserting “July 15, 2019”.

1 **SEC. 190605. TECHNICAL CORRECTION.**

2 Section 22002 of Public Law 116–136 is amended
3 by striking “Railway Retirement Act of 1974” and insert-
4 ing “Railroad Retirement Act of 1974”.

5 **SEC. 190606. CLARIFICATION OF OVERSIGHT AND IMPLE-**
6 **MENTATION OF RELIEF FOR WORKERS AF-**
7 **FECTED BY CORONAVIRUS ACT.**

8 (a) AUDITS, INVESTIGATIONS, AND OVERSIGHT.—
9 Notwithstanding section 2115 of the Relief for Workers
10 Affected by Coronavirus Act (subtitle A of title II of divi-
11 sion A of Public Law 116–136), the authority of the In-
12 spector General of the Department of Labor to carry out
13 audits, investigations, and other oversight activities that
14 are related to the provisions of such Act shall not extend
15 to any activities related to sections 2112, 2113, or 2114
16 of such Act. Such authority with respect to such sections
17 shall belong to the Inspector General of the Railroad Re-
18 tirement Board.

19 (b) OPERATING INSTRUCTIONS OR OTHER GUID-
20 ANCE.—Notwithstanding section 2116(b) of the Relief for
21 Workers Affected by Coronavirus Act (subtitle A of title
22 II of division A of Public Law 116–136), the authority
23 of the Secretary of Labor to issue any operating instruc-
24 tions or other guidance necessary to carry out the provi-
25 sions of such Act shall not extend to any activities related
26 to sections 2112, 2113, or 2114 of such Act. Such author-

- 1 ity with respect to such sections shall belong to the Rail-
- 2 road Retirement Board.

1 **TITLE VII—ENERGY AND**
2 **ENVIRONMENT PROVISIONS**

3 **SEC. 190701. HOME ENERGY AND WATER SERVICE CON-**
4 **TINUITY.**

5 Any entity receiving financial assistance pursuant to
6 any division of this Act shall, to the maximum extent prac-
7 ticable, establish or maintain in effect policies to ensure
8 that no home energy service or public water system service
9 to a residential customer, which is provided or regulated
10 by such entity, is or remains disconnected or interrupted
11 during the emergency period described in section
12 1135(g)(1)(B) of the Social Security Act because of non-
13 payment, and all reconnections of such public water sys-
14 tem service are conducted in a manner that minimizes risk
15 to the health of individuals receiving such service. For pur-
16 poses of this section, the term “home energy service”
17 means a service to provide home energy, as such term is
18 defined in section 2603 of the Low-Income Home Energy
19 Assistance Act of 1981, or service provided by an electric
20 utility, as such term is defined in section 3 of the Public
21 Utility Regulatory Policies Act of 1978, and the term
22 “public water system” has the meaning given that term
23 in section 1401 of the Safe Drinking Water Act. Nothing
24 in this section shall be construed to require forgiveness
25 of any debt incurred or owed to an entity or to absolve

1 an individual of any obligation to an entity for service,
2 nor to preempt any State or local law or regulation gov-
3 erning entities that provide such services to residential
4 customers.

5 **SEC. 190702. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

6 (a) ENVIRONMENTAL JUSTICE GRANTS.—The Ad-
7 ministrator of the Environmental Protection Agency shall
8 continue to carry out—

9 (1) the Environmental Justice Small Grants
10 Program and the Environmental Justice Collabo-
11 rative Problem-Solving Cooperative Agreement Pro-
12 gram, as those programs are in existence on the date
13 of enactment of this Act; and

14 (2) the Community Action for a Renewed Envi-
15 ronment grant programs I and II, as in existence on
16 January 1, 2012.

17 (b) USE OF FUNDS FOR GRANTS IN RESPONSE TO
18 COVID–19 PANDEMIC.—With respect to amounts appro-
19 priated by division A of this Act that are available to carry
20 out the programs described in subsection (a), the Adminis-
21 trator of the Environmental Protection Agency may only
22 award grants under such programs for projects that will
23 investigate or address the disproportionate impacts of the
24 COVID–19 pandemic in environmental justice commu-
25 nities.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out the programs
3 described in subsection (a) \$50,000,000 for fiscal year
4 2020, and such sums as may be necessary for each fiscal
5 year thereafter.

6 (d) DISTRIBUTION.—Not later than 30 days after
7 amounts are made available pursuant to subsection (c),
8 the Administrator of the Environmental Protection Agen-
9 cy shall make awards of grants under each of the pro-
10 grams described in subsection (a).

11 **SEC. 190703. LOW-INCOME HOUSEHOLD DRINKING WATER**
12 **AND WASTEWATER ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$1,500,000,000 to the Sec-
15 retary to carry out this section.

16 (b) LOW-INCOME HOUSEHOLD DRINKING WATER
17 AND WASTEWATER ASSISTANCE.—The Secretary shall
18 make grants to States and Indian Tribes to assist low-
19 income households, particularly those with the lowest in-
20 comes, that pay a high proportion of household income
21 for drinking water and wastewater services, by providing
22 funds to owners or operators of public water systems or
23 treatment works to reduce rates charged to such house-
24 holds for such services.

1 (c) NONDUPLICATION OF EFFORT.—In carrying out
2 this section, the Secretary, States, and Indian Tribes, as
3 applicable, shall, as appropriate and to the extent prac-
4 ticable, use existing processes, procedures, policies, and
5 systems in place to provide assistance to low-income
6 households, including by using existing application and ap-
7 proval processes.

8 (d) ALLOTMENT.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the Secretary shall allot amounts appro-
11 priated pursuant to this section to a State or Indian
12 Tribe based on the following:

13 (A) The percentage of households in the
14 State, or under the jurisdiction of the Indian
15 Tribe, with income equal to or less than 150
16 percent of the Federal poverty line.

17 (B) The percentage of such households in
18 the State, or under the jurisdiction of the In-
19 dian Tribe, that spend more than 30 percent of
20 monthly income on housing.

21 (C) The extent to which the State or In-
22 dian Tribe has been affected by the public
23 health emergency, including the rate of trans-
24 mission of COVID–19 in the State or area over
25 which the Indian Tribe has jurisdiction, the

1 number of COVID–19 cases compared to the
2 national average, and economic disruptions re-
3 sulting from the public health emergency.

4 (2) RESERVED FUNDS.—The Secretary shall re-
5 serve not more than 10 percent of the amounts ap-
6 propriated pursuant to this section for allotment to
7 States and Indian Tribes based on the economic dis-
8 ruptions to the States and Indian Tribes resulting
9 from the emergency described in the emergency dec-
10 laration issued by the President on March 13, 2020,
11 pursuant to section 501(b) of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5191(b)), during the period covered by such
14 emergency declaration and any subsequent major
15 disaster declaration under section 401 of such Act
16 (42 U.S.C. 5170) that supersedes such emergency
17 declaration.

18 (e) DETERMINATION OF LOW-INCOME HOUSE-
19 HOLDS.—

20 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
21 determining whether a household is considered low-
22 income for the purposes of this section, a State or
23 Indian Tribe—

24 (A) shall ensure that, at a minimum—

1 (i) all households with income equal to
2 or less than 150 percent of the Federal
3 poverty line are included as low-income
4 households; and

5 (ii) all households with income equal
6 to or less than 60 percent of the State me-
7 dian income are included as low-income
8 households;

9 (B) may include households that have been
10 adversely economically affected by job loss or
11 severe income loss related to the public health
12 emergency; and

13 (C) may include other households, includ-
14 ing households in which 1 or more individuals
15 are receiving—

16 (i) assistance under the State pro-
17 gram funded under part A of title IV of
18 the Social Security Act (42 U.S.C. 601 et
19 seq.);

20 (ii) supplemental security income pay-
21 ments under title XVI of the Social Secu-
22 rity Act (42 U.S.C. 1381 et seq.);

23 (iii) supplemental nutrition assistance
24 program benefits under the Food and Nu-

1 trition Act of 2008 (7 U.S.C. 2011 et
2 seq.); or

3 (iv) payments under section 1315,
4 1521, 1541, or 1542 of title 38, United
5 States Code, or under section 306 of the
6 Veterans' and Survivors' Pension Improve-
7 ment Act of 1978.

8 (2) HOUSEHOLD DOCUMENTATION REQUIRE-
9 MENTS.—States and Indian Tribes shall—

10 (A) to the maximum extent practicable,
11 seek to limit the income history documentation
12 requirements for determining whether a house-
13 hold is considered low-income for the purposes
14 of this section; and

15 (B) for the purposes of income eligibility,
16 accept proof of job loss or severe income loss
17 dated after February 29, 2020, such as a layoff
18 or furlough notice or verification of application
19 of unemployment benefits, as sufficient to dem-
20 onstrate lack of income for an individual or
21 household.

22 (f) APPLICATIONS.—Each State or Indian Tribe de-
23 siring to receive a grant under this section shall submit
24 an application to the Secretary, in such form as the Sec-
25 retary shall require.

1 (g) UTILITY RESPONSIBILITIES.—Owners or opera-
2 tors of public water systems or treatment works receiving
3 funds pursuant to this section for the purposes of reducing
4 rates charged to low-income households for service shall—

5 (1) conduct outreach activities designed to en-
6 sure that such households are made aware of the
7 rate assistance available pursuant to this section;

8 (2) charge such households, in the normal bill-
9 ing process, not more than the difference between
10 the actual cost of the service provided and the
11 amount of the payment made by the State or Indian
12 Tribe pursuant to this section; and

13 (3) within 45 days of providing assistance to a
14 household pursuant to this section, notify in writing
15 such household of the amount of such assistance.

16 (h) STATE AGREEMENTS WITH DRINKING WATER
17 AND WASTEWATER PROVIDERS.—To the maximum extent
18 practicable, a State that receives a grant under this sec-
19 tion shall enter into agreements with owners and operators
20 of public water systems, owners and operators of treat-
21 ment works, municipalities, nonprofit organizations asso-
22 ciated with providing drinking water, wastewater, and
23 other social services to rural and small communities, and
24 Indian Tribes, to assist in identifying low-income house-
25 holds and to carry out this section.

1 (i) ADMINISTRATIVE COSTS.—A State or Indian
2 Tribe that receives a grant under this section may use up
3 to 8 percent of the granted amounts for administrative
4 costs.

5 (j) FEDERAL AGENCY COORDINATION.—In carrying
6 out this section, the Secretary shall coordinate with the
7 Administrator of the Environmental Protection Agency
8 and consult with other Federal agencies with authority
9 over the provision of drinking water and wastewater serv-
10 ices.

11 (k) AUDITS.—The Secretary shall require each State
12 and Indian Tribe receiving a grant under this section to
13 undertake periodic audits and evaluations of expenditures
14 made by such State or Indian Tribe pursuant to this sec-
15 tion.

16 (l) REPORTS TO CONGRESS.—The Secretary shall
17 submit to Congress a report on the results of activities
18 carried out pursuant to this section—

19 (1) not later than 1 year after the date of en-
20 actment of this section; and

21 (2) upon disbursement of all funds appropriated
22 pursuant to this section.

23 (m) DEFINITIONS.—In this section:

24 (1) INDIAN TRIBE.—The term “Indian Tribe”
25 means any Indian Tribe, band, group, or community

1 recognized by the Secretary of the Interior and exer-
2 cising governmental authority over a Federal Indian
3 reservation.

4 (2) MUNICIPALITY.—The term “municipality”
5 has the meaning given such term in section 502 of
6 the Federal Water Pollution Control Act (33 U.S.C.
7 1362).

8 (3) PUBLIC HEALTH EMERGENCY.—The term
9 “public health emergency” means the public health
10 emergency described in section 1135(g)(1)(B) of the
11 Social Security Act (42 U.S.C. 1320b–5).

12 (4) PUBLIC WATER SYSTEM.—The term “public
13 water system” has the meaning given such term in
14 section 1401 of the Safe Drinking Water Act (42
15 U.S.C. 300f).

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Health and Human Services.

18 (6) STATE.—The term “State” means a State,
19 the District of Columbia, the Commonwealth of
20 Puerto Rico, the Virgin Islands of the United States,
21 Guam, American Samoa, and the Commonwealth of
22 the Northern Mariana Islands.

23 (7) TREATMENT WORKS.—The term “treatment
24 works” has the meaning given that term in section

1 212 of the Federal Water Pollution Control Act (33
2 U.S.C. 1292).

3 **SEC. 190704. HOME WATER SERVICE CONTINUITY.**

4 (a) CONTINUITY OF SERVICE.—Any entity receiving
5 financial assistance under division A of this Act shall, to
6 the maximum extent practicable, establish or maintain in
7 effect policies to ensure that, with respect to any service
8 provided by a public water system or treatment works to
9 an occupied residence, which service is provided or regu-
10 lated by such entity—

11 (1) no such service is or remains disconnected
12 or interrupted during the emergency period because
13 of nonpayment;

14 (2) all reconnections of such service are con-
15 ducted in a manner that minimizes risk to the health
16 of individuals receiving such service; and

17 (3) no fees for late payment of bills for such
18 service are charged or accrue during the emergency
19 period.

20 (b) EFFECT.—Nothing in this section shall be con-
21 strued to require forgiveness of outstanding debt owed to
22 an entity or to absolve an individual of any obligation to
23 an entity for service.

24 (c) DEFINITIONS.—In this section:

1 (1) EMERGENCY PERIOD.—The term “emer-
2 gency period” means the emergency period described
3 in section 1135(g)(1)(B) of the Social Security Act
4 (42 U.S.C. 1320b–5).

5 (2) PUBLIC WATER SYSTEM.—The term “public
6 water system” has the meaning given such term in
7 section 1401 of the Safe Drinking Water Act (42
8 U.S.C. 300f).

9 (3) TREATMENT WORKS.—The term “treatment
10 works” has the meaning given that term in section
11 212 of the Federal Water Pollution Control Act (33
12 U.S.C. 1292).

1 **TITLE VIII—DEATH AND DIS-**
2 **ABILITY BENEFITS FOR PUB-**
3 **LIC SAFETY OFFICERS IM-**
4 **PACTED BY COVID-19**

5 **SEC. 190801. SHORT TITLE.**

6 This title may be cited as the “Public Safety Officer
7 Pandemic Response Act of 2020”.

8 **SEC. 190802. DEATH AND DISABILITY BENEFITS FOR PUB-**
9 **LIC SAFETY OFFICERS IMPACTED BY COVID-**
10 **19.**

11 Section 1201 of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (34 U.S.C. 10281) is amended by
13 adding at the end the following new subsection:

14 “(o) For purposes of this part:

15 “(1) COVID–19 shall be presumed to constitute
16 a personal injury within the meaning of subsection
17 (a), sustained in the line of duty by a public safety
18 officer and directly and proximately resulting in
19 death, unless such officer is shown to have per-
20 formed no line of duty activity or action within the
21 45 days immediately preceding a diagnosis of, or
22 positive test for COVID–19.

23 “(2) The Attorney General shall accept claims,
24 including supplemental claims, under this section
25 from an individual who—

1 “(A) was serving as a public safety officer
2 and was injured or disabled in the line of duty
3 as a result of the terrorist attacks on the
4 United States that occurred on September 11,
5 2001, or in the aftermath of such attacks devel-
6 oped a condition described in section 3312(a) of
7 the Public Health Service Act (42 U.S.C.
8 300mm–22(a)); and

9 “(B) was diagnosed with COVID–19 dur-
10 ing the period described in paragraph (3),
11 which, in combination with the injury or dis-
12 ability described in subparagraph (A), perma-
13 nently and totally disabled or directly and
14 proximately resulted in the death of the indi-
15 vidual.

16 In assessing a claim under this paragraph, the pre-
17 sumption of causation described in paragraph (1)
18 shall apply.

19 “(3) The presumption described in paragraph
20 (1) shall apply with respect to a diagnosis of
21 COVID–19 beginning on January 20, 2020, and
22 ending on the date that is one year after the emer-
23 gency period (as such term is defined in section
24 1135(g) of the Social Security Act (42 U.S.C.

1 1320b–5(g)) based on the COVID–19 public health
2 emergency ends.

3 “(4) The term ‘COVID–19’ means a disease
4 caused by severe acute respiratory syndrome
5 coronavirus 2 (SARS–CoV–2).

6 “(p) In determining whether the personal injury re-
7 sulting from COVID–19 was a catastrophic injury, the At-
8 torney General’s inquiry shall be limited to whether the
9 individual is permanently prevented from performing any
10 gainful work as a public safety officer.”.

11 **TITLE IX—VICTIMS OF CRIME** 12 **ACT AMENDMENTS**

13 **SEC. 190901. SHORT TITLE.**

14 This title may be cited as the “Victims of Crime Act
15 Fix Act of 2020”.

16 **SEC. 190902. DEPOSITS OF FUNDING INTO THE CRIME VIC-** 17 **TIMS FUND.**

18 Section 1402(b) of the Victims of Crime Act of 1984
19 (34 U.S.C. 20101(b)) is amended—

20 (1) in paragraph (4), by striking “and” at the
21 end;

22 (2) in paragraph (5), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(6) any funds that would otherwise be depos-
2 ited in the general fund of the Treasury collected as
3 pursuant to—

4 “(A) a deferred prosecution agreement; or

5 “(B) a non-prosecution agreement.”.

6 **SEC. 190903. WAIVER OF MATCHING REQUIREMENT.**

7 (a) **IN GENERAL.**—Notwithstanding any other provi-
8 sion of VOCA, during the COVID–19 emergency period
9 and for the period ending one year after the date on which
10 such period expires or is terminated, the Attorney General,
11 acting through the Director of the Office for Victims of
12 Crime, may not impose any matching requirement as a
13 condition of receipt of funds under any program to provide
14 assistance to victims of crimes authorized under the Vic-
15 tims of Crime Act of 1984 (34 U.S.C. 20101 et seq.).

16 (b) **DEFINITION.**—In this section, the term
17 “COVID–19 emergency period” means the period begin-
18 ning on the date on which the President declared a na-
19 tional emergency under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
21 ease 2019 (COVID–19) and ending on the date that is
22 30 days after the date on which the national emergency
23 declaration is terminated.

24 (c) **APPLICATION.**—This section shall apply with re-
25 spect to—

1 (1) applications submitted during the period de-
2 scribed under subsection (a), including applications
3 for which funds will be distributed after such period;
4 and

5 (2) distributions of funds made during the pe-
6 riod described under subsection (a), including dis-
7 tributions made pursuant to applications submitted
8 before such period.

9 **TITLE X—JABARA-HEYER NO**
10 **HATE ACT**

11 **SEC. 191001. SHORT TITLE.**

12 This title may be cited as the “Jabara-Heyer Na-
13 tional Opposition to Hate, Assault, and Threats to Equal-
14 ity Act of 2020” or the “Jabara-Heyer NO HATE Act”.

15 **SEC. 191002. FINDINGS.**

16 Congress finds the following:

17 (1) The incidence of violence known as hate
18 crimes or crimes motivated by bias poses a serious
19 national problem.

20 (2) According to data obtained by the Federal
21 Bureau of Investigation, the incidence of such vio-
22 lence increased in 2017, the most recent year for
23 which data is available.

24 (3) In 1990, Congress enacted the Hate Crime
25 Statistics Act (Public Law 101–275; 28 U.S.C. 534

1 note) to provide the Federal Government, law en-
2 forcement agencies, and the public with data regard-
3 ing the incidence of hate crime. The Hate Crimes
4 Statistics Act and the Matthew Shepard and James
5 Byrd, Jr. Hate Crimes Prevention Act (division E of
6 Public Law 111–84; 123 Stat. 2835) have enabled
7 Federal authorities to understand and, where appro-
8 priate, investigate and prosecute hate crimes.

9 (4) A more complete understanding of the na-
10 tional problem posed by hate crime is in the public
11 interest and supports the Federal interest in eradi-
12 cating bias-motivated violence referenced in section
13 249(b)(1)(C) of title 18, United States Code.

14 (5) However, a complete understanding of the
15 national problem posed by hate crimes is hindered
16 by incomplete data from Federal, State, and local
17 jurisdictions through the Uniform Crime Reports
18 program authorized under section 534 of title 28,
19 United States Code, and administered by the Fed-
20 eral Bureau of Investigation.

21 (6) Multiple factors contribute to the provision
22 of inaccurate and incomplete data regarding the in-
23 cidence of hate crime through the Uniform Crime
24 Reports program. A significant contributing factor is
25 the quality and quantity of training that State and

1 local law enforcement agencies receive on the identi-
2 fication and reporting of suspected bias-motivated
3 crimes.

4 (7) The problem of crimes motivated by bias is
5 sufficiently serious, widespread, and interstate in na-
6 ture as to warrant Federal financial assistance to
7 States and local jurisdictions.

8 (8) Federal financial assistance with regard to
9 certain violent crimes motivated by bias enables Fed-
10 eral, State, and local authorities to work together as
11 partners in the investigation and prosecution of such
12 crimes.

13 **SEC. 191003. DEFINITIONS.**

14 In this title:

15 (1) **HATE CRIME.**—The term “hate crime”
16 means an act described in section 245, 247, or 249
17 of title 18, United States Code, or in section 901 of
18 the Civil Rights Act of 1968 (42 U.S.C. 3631).

19 (2) **PRIORITY AGENCY.**—The term “priority
20 agency” means—

21 (A) a law enforcement agency of a unit of
22 local government that serves a population of not
23 less than 100,000, as computed by the Federal
24 Bureau of Investigation; or

1 (B) a law enforcement agency of a unit of
2 local government that—

3 (i) serves a population of not less than
4 50,000 and less than 100,000, as com-
5 puted by the Federal Bureau of Investiga-
6 tion; and

7 (ii) has reported no hate crimes
8 through the Uniform Crime Reports pro-
9 gram in each of the 3 most recent calendar
10 years for which such data is available.

11 (3) STATE.—The term “State” has the mean-
12 ing given the term in section 901 of title I of the
13 Omnibus Crime Control and Safe Streets Act of
14 1968 (34 U.S.C. 10251).

15 (4) UNIFORM CRIME REPORTS.—The term
16 “Uniform Crime Reports” means the reports author-
17 ized under section 534 of title 28, United States
18 Code, and administered by the Federal Bureau of
19 Investigation that compile nationwide criminal sta-
20 tistics for use—

21 (A) in law enforcement administration, op-
22 eration, and management; and

23 (B) to assess the nature and type of crime
24 in the United States.

1 (5) UNIT OF LOCAL GOVERNMENT.—The term
2 “unit of local government” has the meaning given
3 the term in section 901 of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (34
5 U.S.C. 10251).

6 **SEC. 191004. REPORTING OF HATE CRIMES.**

7 (a) IMPLEMENTATION GRANTS.—

8 (1) IN GENERAL.—The Attorney General may
9 make grants to States and units of local government
10 to assist the State or unit of local government in im-
11 plementing the National Incident-Based Reporting
12 System, including to train employees in identifying
13 and classifying hate crimes in the National Incident-
14 Based Reporting System.

15 (2) PRIORITY.—In making grants under para-
16 graph (1), the Attorney General shall give priority to
17 States and units of local government with larger
18 populations.

19 (b) REPORTING.—

20 (1) COMPLIANCE.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), in each fiscal year beginning
23 after the date that is 3 years after the date on
24 which a State or unit of local government first
25 receives a grant under subsection (a), the State

1 or unit of local government shall provide to the
2 Attorney General, through the Uniform Crime
3 Reporting system, information pertaining to
4 hate crimes committed in that jurisdiction dur-
5 ing the preceding fiscal year.

6 (B) EXTENSIONS; WAIVER.—The Attorney
7 General—

8 (i) may provide a 120-day extension
9 to a State or unit of local government that
10 is making good faith efforts to comply with
11 subparagraph (A); and

12 (ii) shall waive the requirements of
13 subparagraph (A) if compliance with that
14 subparagraph by a State or unit of local
15 government would be unconstitutional
16 under the constitution of the State or of
17 the State in which the unit of local govern-
18 ment is located, respectively.

19 (2) FAILURE TO COMPLY.—If a State or unit of
20 local government that receives a grant under sub-
21 section (a) fails to substantially comply with para-
22 graph (1) of this subsection, the State or unit of
23 local government shall repay the grant in full, plus
24 reasonable interest and penalty charges allowable by
25 law or established by the Attorney General.

1 **SEC. 191005. GRANTS FOR STATE-RUN HATE CRIME HOT-**
2 **LINES.**

3 (a) GRANTS AUTHORIZED.—

4 (1) IN GENERAL.—The Attorney General shall
5 make grants to States to create State-run hate
6 crime reporting hotlines.

7 (2) GRANT PERIOD.—A grant made under
8 paragraph (1) shall be for a period of not more than
9 5 years.

10 (b) HOTLINE REQUIREMENTS.—A State shall ensure,
11 with respect to a hotline funded by a grant under sub-
12 section (a), that—

13 (1) the hotline directs individuals to—

14 (A) law enforcement if appropriate; and

15 (B) local support services;

16 (2) any personally identifiable information that
17 an individual provides to an agency of the State
18 through the hotline is not directly or indirectly dis-
19 closed, without the consent of the individual, to—

20 (A) any other agency of that State;

21 (B) any other State;

22 (C) the Federal Government; or

23 (D) any other person or entity;

24 (3) the staff members who operate the hotline
25 are trained to be knowledgeable about—

1 (A) applicable Federal, State, and local
2 hate crime laws; and

3 (B) local law enforcement resources and
4 applicable local support services; and

5 (4) the hotline is accessible to—

6 (A) individuals with limited English pro-
7 ficiency, where appropriate; and

8 (B) individuals with disabilities.

9 (c) BEST PRACTICES.—The Attorney General shall
10 issue guidance to States on best practices for imple-
11 menting the requirements of subsection (b).

12 **SEC. 191006. INFORMATION COLLECTION BY STATES AND**
13 **UNITS OF LOCAL GOVERNMENT.**

14 (a) DEFINITIONS.—In this section:

15 (1) APPLICABLE AGENCY.—The term “applica-
16 ble agency”, with respect to an eligible entity that
17 is—

18 (A) a State, means—

19 (i) a law enforcement agency of the
20 State; and

21 (ii) a law enforcement agency of a
22 unit of local government within the State
23 that—

24 (I) is a priority agency; and

1 (II) receives a subgrant from the
2 State under this section; and

3 (B) a unit of local government, means a
4 law enforcement agency of the unit of local gov-
5 ernment that is a priority agency.

6 (2) COVERED AGENCY.—The term “covered
7 agency” means—

- 8 (A) a State law enforcement agency; or
- 9 (B) a priority agency.

10 (3) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means—

- 12 (A) a State; or
- 13 (B) a unit of local government that has a
14 priority agency.

15 (b) GRANTS.—

16 (1) IN GENERAL.—The Attorney General may
17 make grants to eligible entities to assist covered
18 agencies within the jurisdiction of the eligible entity
19 in conducting law enforcement activities or crime re-
20 duction programs to prevent, address, or otherwise
21 respond to hate crime, particularly as those activities
22 or programs relate to reporting hate crimes through
23 the Uniform Crime Reports program, including—

- 24 (A) adopting a policy on identifying, inves-
25 tigating, and reporting hate crimes;

1 (B) developing a standardized system of
2 collecting, analyzing, and reporting the inci-
3 dence of hate crime;

4 (C) establishing a unit specialized in iden-
5 tifying, investigating, and reporting hate
6 crimes;

7 (D) engaging in community relations func-
8 tions related to hate crime prevention and edu-
9 cation such as—

10 (i) establishing a liaison with formal
11 community-based organizations or leaders;

12 and

13 (ii) conducting public meetings or
14 educational forums on the impact of hate
15 crimes, services available to hate crime vic-
16 tims, and the relevant Federal, State, and
17 local laws pertaining to hate crimes; and

18 (E) providing hate crime trainings for
19 agency personnel.

20 (2) SUBGRANTS.—A State that receives a grant
21 under paragraph (1) may award a subgrant to a pri-
22 ority agency of a unit of local government within the
23 State for the purposes under that paragraph.

24 (c) INFORMATION REQUIRED OF STATES AND UNITS
25 OF LOCAL GOVERNMENT.—

1 (1) IN GENERAL.—For each fiscal year in
2 which an eligible entity receives a grant under sub-
3 section (b), the eligible entity shall—

4 (A) collect information from each applica-
5 ble agency summarizing the law enforcement
6 activities or crime reduction programs con-
7 ducted by the agency to prevent, address, or
8 otherwise respond to hate crime, particularly as
9 those activities or programs relate to reporting
10 hate crimes through the Uniform Crime Re-
11 ports program; and

12 (B) submit to the Attorney General a re-
13 port containing the information collected under
14 subparagraph (A).

15 (2) SEMIANNUAL LAW ENFORCEMENT AGENCY
16 REPORT.—

17 (A) IN GENERAL.—In collecting the infor-
18 mation required under paragraph (1)(A), an eli-
19 gible entity shall require each applicable agency
20 to submit a semiannual report to the eligible
21 entity that includes a summary of the law en-
22 forcement activities or crime reduction pro-
23 grams conducted by the agency during the re-
24 porting period to prevent, address, or otherwise
25 respond to hate crime, particularly as those ac-

1 tivities or programs relate to reporting hate
2 crimes through the Uniform Crime Reports pro-
3 gram.

4 (B) CONTENTS.—In a report submitted
5 under subparagraph (A), a law enforcement
6 agency shall, at a minimum, disclose—

7 (i) whether the agency has adopted a
8 policy on identifying, investigating, and re-
9 porting hate crimes;

10 (ii) whether the agency has developed
11 a standardized system of collecting, ana-
12 lyzing, and reporting the incidence of hate
13 crime;

14 (iii) whether the agency has estab-
15 lished a unit specialized in identifying, in-
16 vestigating, and reporting hate crimes;

17 (iv) whether the agency engages in
18 community relations functions related to
19 hate crime, such as—

20 (I) establishing a liaison with for-
21 mal community-based organizations or
22 leaders; and

23 (II) conducting public meetings
24 or educational forums on the impact
25 of hate crime, services available to

1 hate crime victims, and the relevant
2 Federal, State, and local laws per-
3 taining to hate crime; and

4 (v) the number of hate crime
5 trainings for agency personnel, including
6 the duration of the trainings, conducted by
7 the agency during the reporting period.

8 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), beginning not later than 1 year after the
11 date of enactment of this title, an eligible entity re-
12 ceiving a grant under subsection (b) shall comply
13 with subsection (c).

14 (2) EXTENSIONS; WAIVER.—The Attorney Gen-
15 eral—

16 (A) may provide a 120-day extension to an
17 eligible entity that is making good faith efforts
18 to collect the information required under sub-
19 section (c); and

20 (B) shall waive the requirements of sub-
21 section (c) for a State or unit of local govern-
22 ment if compliance with that subsection by the
23 State or unit of local government would be un-
24 constitutional under the constitution of the

1 State or of the State in which the unit of local
2 government is located, respectively.

3 **SEC. 191007. REQUIREMENTS OF THE ATTORNEY GENERAL.**

4 (a) INFORMATION COLLECTION AND ANALYSIS; RE-
5 PORT.—In order to improve the accuracy of data regard-
6 ing the incidence of hate crime provided through the Uni-
7 form Crime Reports program, and promote a more com-
8 plete understanding of the national problem posed by hate
9 crime, the Attorney General shall—

10 (1) collect and analyze the information provided
11 by States and units of local government under sec-
12 tion 191006 for the purpose of developing policies
13 related to the provision of accurate data obtained
14 under the Hate Crime Statistics Act (Public Law
15 101–275; 28 U.S.C. 534 note) by the Federal Bu-
16 reau of Investigation; and

17 (2) for each calendar year beginning after the
18 date of enactment of this title, publish and submit
19 to Congress a report based on the information col-
20 lected and analyzed under paragraph (1).

21 (b) CONTENTS OF REPORT.—A report submitted
22 under subsection (a) shall include—

23 (1) a qualitative analysis of the relationship be-
24 tween—

1 (A) the number of hate crimes reported by
2 State law enforcement agencies or priority
3 agencies through the Uniform Crime Reports
4 program; and

5 (B) the nature and extent of law enforce-
6 ment activities or crime reduction programs
7 conducted by those agencies to prevent, ad-
8 dress, or otherwise respond to hate crime; and

9 (2) a quantitative analysis of the number of
10 State law enforcement agencies and priority agencies
11 that have—

12 (A) adopted a policy on identifying, inves-
13 tigating, and reporting hate crimes;

14 (B) developed a standardized system of
15 collecting, analyzing, and reporting the inci-
16 dence of hate crime;

17 (C) established a unit specialized in identi-
18 fying, investigating, and reporting hate crimes;

19 (D) engaged in community relations func-
20 tions related to hate crime, such as—

21 (i) establishing a liaison with formal
22 community-based organizations or leaders;
23 and

24 (ii) conducting public meetings or
25 educational forums on the impact of hate

1 crime, services available to hate crime vic-
2 tims, and the relevant Federal, State, and
3 local laws pertaining to hate crime; and

4 (E) conducted hate crime trainings for
5 agency personnel during the reporting period,
6 including—

7 (i) the total number of trainings con-
8 ducted by each agency; and

9 (ii) the duration of the trainings de-
10 scribed in clause (i).

11 **SEC. 191008. ALTERNATIVE SENTENCING.**

12 Section 249 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(e) SUPERVISED RELEASE.—If a court includes, as
15 a part of a sentence of imprisonment imposed for a viola-
16 tion of subsection (a), a requirement that the defendant
17 be placed on a term of supervised release after imprison-
18 ment under section 3583, the court may order, as an ex-
19 plicit condition of supervised release, that the defendant
20 undertake educational classes or community service di-
21 rectly related to the community harmed by the defendant’s
22 offense.”.

1 **TITLE XI—PRISONS AND JAILS**

2 **SEC. 191101. SHORT TITLE.**

3 This title may be cited as the “Pandemic Justice Re-
4 sponse Act”.

5 **SEC. 191102. EMERGENCY COMMUNITY SUPERVISION ACT.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) As of the date of introduction of this Act,
8 the novel coronavirus has spread to all 50 States,
9 the District of Columbia, and 3 territories.

10 (2) The Centers for Disease Control and Pre-
11 vention have projected that between 160,000,000
12 and 214,000,000 people could be infected by the
13 novel coronavirus in the United States over the
14 course of the pandemic.

15 (3) Although the United States has less than 5
16 percent of the world’s population, the United States
17 holds approximately 21 percent of the world’s pris-
18 oners and leads the world in the number of individ-
19 uals incarcerated, with nearly 2,200,000 people in-
20 carcerated in State and Federal prisons and local
21 jails.

22 (4) Studies have shown that individuals age out
23 of crime starting around 25 years of age, and re-
24 leased individuals over the age of 50 have a very low
25 recidivism rate.

1 (5) According to public health experts, incarcerated
2 ated individuals are particularly vulnerable to being
3 gravely impacted by the novel corona virus pandemic
4 because—

5 (A) they have higher rates of underlying
6 health issues than members of the general public,
7 including higher rates of respiratory disease,
8 heart disease, diabetes, obesity, HIV/AIDS,
9 substance abuse, hepatitis, and other conditions
10 that suppress immune response; and

11 (B) the close conditions and lack of access
12 to hygiene products in prisons make these institutions
13 unusually susceptible to viral
14 pandemics.

15 (6) The spread of communicable disease in the
16 United States generally constitutes a serious, heightened
17 threat to the safety of incarcerated individuals,
18 and there is a serious threat to the general public
19 that prisons may become incubators of community
20 spread of communicable viral disease.

21 (b) DEFINITIONS.—In this section:

22 (1) COVERED HEALTH CONDITION.—The term
23 “covered health condition” with respect to an individual,
24 means the individual—

25 (A) is pregnant;

1 (B) has chronic lung disease or asthma;

2 (C) has congestive heart failure or coro-
3 nary artery disease;

4 (D) has diabetes;

5 (E) has a neurological condition that weak-
6 ens the ability to cough or breathe;

7 (F) has HIV;

8 (G) has sickle cell anemia;

9 (H) has cancer; or

10 (I) has a weakened immune system.

11 (2) COVERED INDIVIDUAL.—The term “covered
12 individual”—

13 (A) means an individual who—

14 (i) is a juvenile (as defined in section
15 5031 of title 18, United States Code);

16 (ii) is 50 years of age or older;

17 (iii) has a covered health condition; or

18 (iv) is within 12 months of release
19 from incarceration; and

20 (B) includes an individual described in
21 subparagraph (A) who is serving a term of im-
22 prisonment for an offense committed before No-
23 vember 1, 1987.

24 (3) NATIONAL EMERGENCY RELATING TO A
25 COMMUNICABLE DISEASE.—The term “national

1 emergency relating to a communicable disease”
2 means—

3 (A) an emergency involving Federal pri-
4 mary responsibility determined to exist by the
5 President under the section 501(b) of the Rob-
6 ert T. Stafford Disaster Relief and Emergency
7 Assistance Act (42 U.S.C. 5191(b)) with re-
8 spect to a communicable disease; or

9 (B) a national emergency declared by the
10 President under the National Emergencies Act
11 (50 U.S.C. 1601 et seq.) with respect to a com-
12 municable disease.

13 (c) PLACEMENT OF CERTAIN INDIVIDUALS IN COM-
14 MUNITY SUPERVISION.—

15 (1) AUTHORITY.—Except as provided in para-
16 graph (2), beginning on the date on which a national
17 emergency relating to a communicable disease is de-
18 clared and ending on the date that is 60 days after
19 such national emergency expires or is terminated—

20 (A) notwithstanding any other provision of
21 law, the Director of the Bureau of Prisons shall
22 place in community supervision all covered indi-
23 viduals who are in the custody of the Bureau of
24 Prisons; and

1 (B) the district court of the United States
2 for each judicial district shall place in commu-
3 nity supervision all covered individuals who are
4 in the custody and care of the United States
5 Marshals Service.

6 (2) EXCEPTIONS.—

7 (A) BUREAU OF PRISONS.—In carrying out
8 paragraph (1)(A), the Director—

9 (i) may not place in community super-
10 vision any individual determined, by clear
11 and convincing evidence, to be likely to
12 pose a specific and substantial risk of
13 causing bodily injury to or using violent
14 force against the person of another;

15 (ii) shall place in the file of each indi-
16 vidual described in clause (i) documenta-
17 tion of such determination, including the
18 evidence used to make the determination;
19 and

20 (iii) not later than 180 days after the
21 date on which the national emergency re-
22 lating to a communicable disease expires,
23 shall provide a report to Congress docu-
24 menting—

1 (I) the demographic data (includ-
2 ing race, gender, age, offense of con-
3 viction, and criminal history level) of
4 the individuals denied placement in
5 community supervision under clause
6 (i); and

7 (II) the justification for the deni-
8 als described in subclause (I).

9 (B) DISTRICT COURTS.—In carrying out
10 paragraph (1)(B), each district court of the
11 United States—

12 (i) shall conduct an immediate and ex-
13 pedited review of the detention orders of
14 all covered individuals in the custody and
15 care of the United States Marshals Serv-
16 ice, which may be conducted sua sponte
17 and ex parte, without—

18 (I) appearance by the defendant
19 or any party; or

20 (II) requiring a petition, motion,
21 or other similar document to be filed;

22 (ii) may not place in community su-
23 pervision any individual if the court deter-
24 mines, after a hearing and the attorney for
25 the Government shows by clear and con-

1 vincing evidence based on individualized
2 facts, that detention is necessary because
3 the individual's release will pose a specific
4 and substantial risk that the individual will
5 cause bodily injury or use violent force
6 against the person of another and that no
7 conditions of release will reasonably miti-
8 gate that risk;

9 (iii) in carrying out clauses (i) and
10 (ii), may—

11 (I) rely on evidence presented in
12 prior court proceedings; and

13 (II) if the court determines it
14 necessary, request additional informa-
15 tion from the parties to make the de-
16 termination.

17 (3) LIMITATION ON COMMUNITY SUPERVISION
18 PLACEMENT.—In placing covered individuals into
19 community supervision under this section, the Direc-
20 tor of the Bureau of Prisons and the district court
21 of the United States for each judicial district shall
22 take into account and prioritize placements that en-
23 able adequate social distancing, which include home
24 confinement or other forms of low in-person-contact
25 supervised release.

1 (d) LIMITATION ON PRE-TRIAL DETENTION.—

2 (1) NO BOND CONDITIONS ON RELEASE.—Not-
3 withstanding section 3142 of title 18, United States
4 Code, beginning on the date on which a national
5 emergency relating to a communicable disease is de-
6 clared and ending on the date that is 60 days after
7 such national emergency expires or is terminated, in
8 imposing conditions of release, the judicial officer
9 may not require payment of cash bail, proof of abil-
10 ity to pay an unsecured bond, execution of a bail
11 bond, a solvent surety to co-sign a secured or unse-
12 cured bond, or posting of real property.

13 (2) LIMITATION.—

14 (A) IN GENERAL.—Beginning on the date
15 on which a national emergency relating to a
16 communicable disease is declared and ending on
17 the date that is 60 days after such national
18 emergency expires or is terminated, at any ini-
19 tial appearance hearing, detention hearing,
20 hearing on a motion for pretrial release, or any
21 other hearing where the attorney for the Gov-
22 ernment is seeking the detention or continued
23 detention of any individual, the judicial officer
24 shall order the pretrial release of the individual
25 on personal recognizance or on a condition or

1 combination of conditions under section 3142(c)
2 of title 18, United States Code, unless the at-
3 torney for the Government shows by clear and
4 convincing evidence based on individualized
5 facts that detention is necessary because the in-
6 dividual's release will pose a specific and sub-
7 stantial risk that the individual will cause bodily
8 injury or use violent force against the person of
9 another and that no conditions of release will
10 reasonably mitigate that risk.

11 (B) REQUIRED CONSIDERATION OF CER-
12 TAIN FACTORS.—If the judicial officer finds
13 that the attorney for the Government has made
14 the requisite showing under subparagraph (A),
15 the judicial officer shall take into consideration,
16 in determining whether detention is necessary—

17 (i) whether the individual's age or
18 medical condition renders them especially
19 vulnerable; and

20 (ii) whether detention will compromise
21 the individual's access to adequate medical
22 treatment, access to medications, or ability
23 to privately consult with counsel and
24 meaningfully prepare a defense.

25 (C) JUVENILES.—

1 (i) IN GENERAL.—Beginning on the
2 date on which a national emergency relat-
3 ing to a communicable disease is declared
4 and ending on the date that is 60 days
5 after such national emergency expires or is
6 terminated, notwithstanding sections 5031
7 through 5035 of title 18, United States
8 Code, and except as provided under clause
9 (ii), in the case of a juvenile alleged to
10 have committed an act of juvenile delin-
11 quency, the judicial officer shall release the
12 juvenile to their parent, guardian, custo-
13 dian, or other responsible party (including
14 the director of a shelter-care facility) upon
15 their promise to bring such juvenile before
16 the appropriate court when requested by
17 the judicial officer.

18 (ii) EXCEPTION.—A juvenile alleged
19 to have committed an act of juvenile delin-
20 quency may be detained pending trial only
21 if, at a hearing at which the juvenile is
22 represented by counsel, the attorney for
23 the Government shows by clear and con-
24 vincing evidence based on individualized
25 facts that detention is necessary because

1 the juvenile's release will pose a specific
2 and substantial risk that the juvenile will
3 use violent force against a reasonably iden-
4 tifiable person and that no conditions of
5 release will reasonably mitigate that risk,
6 except that in no case may a judicial offi-
7 cer order the detention of a juvenile if it
8 will compromise the juvenile's access to
9 adequate medical treatment, access to
10 medications, or ability to privately consult
11 with counsel and meaningfully prepare a
12 defense.

13 (iii) LEAST RESTRICTIVE DETEN-
14 TION.—In the case that the judicial officer
15 orders the detention of a juvenile under
16 clause (ii), the judicial officer shall order
17 the detention of the juvenile in the least
18 restrictive and safest environment possible,
19 taking the national emergency relating to a
20 communicable disease into consideration.

21 (iv) CONTENTS OF DETENTION
22 ORDER.—In the case that the judicial offi-
23 cer orders the detention of a juvenile under
24 clause (ii), the judicial officer shall issue a
25 written detention order that includes—

- 1 (I) findings of fact;
- 2 (II) the reasons for the deten-
- 3 tion;
- 4 (III) a description of the risk
- 5 identified under clause (ii);
- 6 (IV) an explanation of why no
- 7 conditions will reasonably mitigate the
- 8 risk identified under clause (ii);
- 9 (V) a statement that detention
- 10 will not compromise the juvenile's ac-
- 11 cess to adequate medical treatment,
- 12 access to medications, or ability to
- 13 privately consult with counsel and
- 14 meaningfully prepare a defense; and
- 15 (VI) a statement establishing
- 16 that the detention environment is the
- 17 least restrictive and safest possible in
- 18 accordance with the requirement
- 19 under clause (iii).

20 (e) LIMITATION ON SUPERVISED RELEASE.—Begin-

21 ning on the date on which a national emergency relating

22 to a communicable disease is declared and ending on the

23 date that is 60 days after such national emergency expires,

24 the Office of Probation and Pretrial Services of the Ad-

25 ministrative Office of the United States Courts shall take

1 measures to prevent the spread of the communicable dis-
2 ease among individuals under supervision by—

3 (1) suspending the requirement that individuals
4 determined to be a lower risk of reoffending, or any
5 other individuals determined to be appropriate by
6 the supervising probation officer, report in person to
7 their probation or parole officer;

8 (2) identifying individuals who have successfully
9 completed not less than 18 months of supervision
10 and transferring such individuals to administrative
11 supervision or petitioning the court to terminate su-
12 pervision, as appropriate; and

13 (3) suspending the request for detention and
14 imprisonment as a sanction for violations of proba-
15 tion, supervised release, or parole.

16 (f) PROHIBITION.—No individual who is granted
17 placement in community supervision, termination of su-
18 pervision, placement on administrative supervision, or pre-
19 trial release shall be re-incarcerated, placed on supervision
20 or active supervision, or ordered detained pre-trial only as
21 a result of the expiration of the national emergency relat-
22 ing to a communicable disease.

23 (g) PROHIBITION ON TECHNICAL VIOLATIONS AND
24 CERTAIN MANDATORY REVOCATIONS OF PROBATION OR
25 SUPERVISED RELEASE.—

1 (1) RESENTENCING IN CASES OF PROBATION
2 AND SUPERVISED RELEASE.—

3 (A) IN GENERAL.—Beginning on the date
4 on which a national emergency relating to a
5 communicable disease is declared and ending on
6 the date that is 60 days after such national
7 emergency expires, and notwithstanding section
8 3582(b) of title 18, United States Code, a court
9 shall order the resentencing of a defendant who
10 is serving a term of imprisonment resulting
11 from a revocation of probation, or supervised
12 release for a Grade C violation for conduct
13 under section 7B1.1(c)(3)(B) of the United
14 States Sentencing Guidelines, upon motion of
15 the defendant.

16 (B) RESENTENCING.—The court shall
17 order the resentencing of a defendant described
18 in subparagraph (A) as follows:

19 (i) In the case of a revoked sentence
20 of probation, the court shall resentence the
21 defendant to probation, the duration of
22 which shall be equal to the period of time
23 remaining on the term of probation origi-
24 nally imposed at the time the defendant
25 was most recently placed in custody, unless

1 the court determines that decreasing the
2 length of the term of probation is in the
3 interest of justice.

4 (ii) In the case of a revoked term of
5 supervised release, the court shall continue
6 the defendant on supervised release, the
7 duration of which shall be equal to the pe-
8 riod of time the defendant had remaining
9 on supervised release when the defendant
10 was most recently placed in custody, unless
11 the court determines that decreasing the
12 term of supervised release is in the interest
13 of justice.

14 (2) RESENTENCING IN CASES OF PAROLE.—

15 (A) IN GENERAL.—Beginning on the date
16 on which a national emergency relating to a
17 communicable disease is declared and ending on
18 the date that is 60 days after such national
19 emergency expires, the court shall order the re-
20 sentencing of a defendant who is serving a term
21 of imprisonment resulting from a technical vio-
22 lation of the defendant's parole.

23 (B) RESENTENCING.—The court shall re-
24 sentence the defendant to parole, the duration
25 of which shall be equal to the period of time re-

1 maintaining on the defendant's term of parole at
2 the time the defendant was most recently
3 placed in custody, unless the court determines
4 that decreasing the length of the term of parole
5 is in the interest of justice.

6 (3) HEARING.—The court may grant, but not
7 deny, a motion without a hearing under this section.

8 (4) NO MANDATORY REVOCATION.—

9 (A) IN GENERAL.—Beginning on the date
10 on which a national emergency relating to a
11 communicable disease is declared and ending on
12 the date that is 60 days after such national
13 emergency expires, a court is not required to re-
14 voke a defendant's probation or supervised re-
15 lease under sections 3565(b) and 3583(g) of
16 title 18, United States Code, based on a finding
17 that the defendant refused to comply with drug
18 treatment.

19 (B) DISSEMINATION OF POLICY
20 CHANGE.—Not later than 10 days after the
21 date of enactment of this title, the Judicial
22 Conference of the United States shall issue and
23 disseminate to all district courts of the United
24 States a temporary policy change suspending
25 mandatory revocation of probation or super-

1 vised release for refusal to comply with drug
2 testing.

3 (5) PROMPT DETERMINATION.—Any motion
4 under this subsection shall be determined promptly.

5 (6) COUNSEL.—To effectuate the purposes of
6 this subsection, counsel shall be appointed as early
7 as possible to represent any indigent defendant.

8 (7) DEFINITIONS.—In this subsection, the term
9 “defendant” includes individuals adjudicated delin-
10 quent under the Federal Juvenile Delinquency Act
11 and applies to persons serving time in official deten-
12 tion for a revocation of juvenile probation or super-
13 vised release.

14 **SEC. 191103. COURT AUTHORITY TO REDUCE SENTENCES**
15 **AND TEMPORARY RELEASE DURING COVID-**
16 **19 EMERGENCY PERIOD.**

17 (a) COURT AUTHORITY TO REDUCE SENTENCES.—

18 (1) IN GENERAL.—Notwithstanding section
19 3582 of title 18, United States Code, the court shall,
20 during the covered emergency period, upon motion
21 of a covered individual (as such term is defined in
22 section 191102(b)) or on the court’s own motion, re-
23 duce a term of imposed imprisonment on that indi-
24 vidual, unless the government shows, by clear and
25 convincing evidence, that the individual poses a risk

1 of serious, imminent injury to a reasonably identifi-
2 able person.

3 (2) SENTENCE REDUCTION DEEMED AUTHOR-
4 IZED.—Any sentence that is reduced under this sub-
5 section is deemed to be authorized under section
6 3582(c)(1)(B) of title 18, United States Code.

7 (3) RULE OF CONSTRUCTION.—In addition to
8 the reduction of sentences authorized under this
9 subsection, the court may continue to reduce and
10 modify sentences under section 3582 of title 18,
11 United States Code, during the covered emergency
12 period.

13 (4) SPECIAL RULE.—During the covered emer-
14 gency period, a covered individual who is serving a
15 term of imprisonment for an offense committed be-
16 fore November 1, 1987, who would not otherwise be
17 eligible to file a motion under section 3582(c)(1)(A)
18 of title 18, United States Code, is eligible to file
19 such a motion and for relief under such section. Any
20 motion for relief filed in accordance with this para-
21 graph before the expiration or termination of the
22 covered emergency period shall not disqualify such
23 motion based solely on such expiration or termi-
24 nation.

1 (b) COURT AUTHORITY TO AUTHORIZE TEMPORARY
2 RELEASE OF PERSONS AWAITING DESIGNATION OR
3 TRANSPORTATION TO A BUREAU OF PRISONS FACIL-
4 ITY.—Notwithstanding sections 3582 and 3621 of title 18,
5 United States Code, during the covered emergency period,
6 the court, upon motion of an individual (including individ-
7 uals adjudicated delinquent under the Federal Juvenile
8 Delinquency Act) awaiting designation or transportation
9 to a Bureau of Prisons or other facility for service of sen-
10 tence or official detention, or on the court’s own motion,
11 may order the temporary release of the individual, for a
12 limited period ending not later than the expiration or ter-
13 mination of the COVID–19 emergency, if such release is
14 for the purpose of avoiding or mitigating the risks associ-
15 ated with imprisonment during the covered emergency pe-
16 riod, either generally with respect to the individual’s place
17 of imprisonment or specifically with respect to the indi-
18 vidual.

19 (c) HEARING REQUIREMENT.—The court may grant,
20 but not deny, a motion without a hearing under this sec-
21 tion. Any motion under this section shall be determined
22 promptly.

23 (d) EFFECTIVE REPRESENTATION DURING NA-
24 TIONAL EMERGENCY.—

1 (1) ACCESS TO COURT.—During the covered
2 emergency period, any procedural requirement under
3 section 3582(c)(1)(A) of title 18, United States
4 Code, that would delay a defendant from directly pe-
5 titioning the court shall not apply, and the defend-
6 ant may petition the court directly for relief.

7 (2) APPOINTMENT OF COUNSEL.—The court
8 shall appoint counsel for indigent defendants or pris-
9 oners, at no cost to the defendant or prisoner, as
10 early as possible to effectuate the purposes of this
11 section and the purposes of section 3582(c)(1)(A) of
12 title 18, United States Code.

13 (3) ACCESS TO MEDICAL RECORDS.—

14 (A) IN GENERAL.—In order to expedite
15 proceedings under this section and proceedings
16 under 3582(c)(1)(A) of title 18, United States
17 Code, during the covered emergency period, the
18 Director of the Bureau of Prisons shall prompt-
19 ly release all medical records in the possession
20 of the Bureau of Prisons to a prisoner who re-
21 quests them on their own behalf, or to the
22 counsel of record for a prisoner upon submis-
23 sion to the court of an affidavit, signed by such
24 counsel under penalty of perjury, that such
25 counsel has reason to believe that the prisoner

1 has a covered health condition (as such term is
2 defined in section 191102(b)) or a condition
3 that would entitle them to relief under section
4 3582(c)(1)(A) of title 18, United States Code.

5 (B) INDIVIDUALS IN THE CUSTODY OF
6 THE U.S. MARSHALS SERVICE.—In order to ex-
7 pedite proceedings under this section, in the
8 case of an individual who is in the custody or
9 care of the U.S. Marshals Service, the Director
10 of the U.S. Marshals Service shall facilitate the
11 provision of any medical records of the indi-
12 vidual to the individual or the counsel of record
13 of the individual, upon request of the individual
14 or counsel.

15 **SEC. 191104. EXEMPTION FROM EXHAUSTING ADMINISTRA-**
16 **TIVE REMEDIES DURING COVERED EMER-**
17 **GENCY PERIOD.**

18 Section 7 of the Civil Rights of Institutionalized Per-
19 sons Act (42 U.S.C. 1997e) is amended by adding at the
20 end the following:

21 “(i) COVERED EMERGENCY PERIOD.—

22 “(1) RELIEF WITHOUT EXHAUSTING ADMINIS-
23 TRATIVE REMEDIES.—Notwithstanding the other
24 provisions of this section, during the covered emer-
25 gency period, a prisoner may commence, without ex-

1 hausting all administrative remedies, an action relat-
2 ing to conditions of imprisonment under which the
3 prisoner is at significant risk of harm or under
4 which the prisoner’s access to counsel has been im-
5 paired. If the court determines the prisoner is rea-
6 sonably likely to prevail, the court may order such
7 appropriate relief, limited in time and scope, as may
8 be necessary to prevent or remedy the significant
9 risk of harm or provide access to counsel.

10 “(2) RETALIATION PROHIBITED.—Section 6
11 shall apply in the case of retaliation against a pris-
12 oner who files an administrative claim or lawsuit
13 during the covered emergency period or attempts to
14 so file.

15 “(3) DEFINITIONS.—For purposes of this sub-
16 section, the term ‘covered emergency period’ has the
17 meaning given the term in section 12003 of the
18 CARES Act (Public Law 116–136).”.

19 **SEC. 191105. INCREASING AVAILABILITY OF HOME DETEN-**
20 **TION FOR ELDERLY OFFENDERS.**

21 (a) GOOD CONDUCT TIME CREDITS FOR CERTAIN
22 ELDERLY NONVIOLENT OFFENDERS.—Section
23 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34
24 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking “to
25 which the offender was sentenced” and inserting “reduced

1 by any credit toward the service of the prisoner's sentence
2 awarded under section 3624(b) of title 18, United States
3 Code''.

4 (b) INCREASING ELIGIBILITY FOR HOME DETENTION
5 FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—
6 During the covered emergency period an offender who is
7 in the custody of the Bureau of Prisons shall be considered
8 an eligible elderly offender under section 231(g) of the
9 Second Chance Act of 2007 (34 U.S.C. 60541(g)) if the
10 offender—

11 (1) is not less than 50 years of age;

12 (2) has served 1/2 of the term of imprisonment
13 reduced by any credit toward the service of the pris-
14 oner's sentence awarded under section 3624(b) of
15 title 18, United States Code; and

16 (3) is otherwise described in such section
17 231(g)(5)(A).

18 **SEC. 191106. EFFECTIVE ASSISTANCE OF COUNSEL IN THE**
19 **DIGITAL ERA ACT.**

20 (a) PROHIBITION ON MONITORING.—Not later than
21 180 days after the date of the enactment of this title, the
22 Attorney General shall create a program or system, or
23 modify any program or system that exists on the date of
24 enactment of this title, through which an incarcerated per-
25 son sends or receives an electronic communication, to ex-

1 clude from monitoring the contents of any privileged elec-
2 tronic communication. In the case that the Attorney Gen-
3 eral creates a program or system in accordance with this
4 subsection, the Attorney General shall, upon implementing
5 such system, discontinue using any program or system
6 that exists on the date of enactment of this title through
7 which an incarcerated person sends or receives a privileged
8 electronic communication, except that any program or sys-
9 tem that exists on such date may continue to be used for
10 any other electronic communication.

11 (b) RETENTION OF CONTENTS.—A program or sys-
12 tem or a modification to a program or system under sub-
13 section (a) may allow for retention by the Bureau of Pris-
14 ons of, and access by an incarcerated person to, the con-
15 tents of electronic communications, including the contents
16 of privileged electronic communications, of the person
17 until the date on which the person is released from prison.

18 (c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client
19 privilege, and the protections and limitations associated
20 with such privilege (including the crime fraud exception),
21 applies to electronic communications sent or received
22 through the program or system established or modified
23 under subsection (a).

24 (d) ACCESSING RETAINED CONTENTS.—Contents re-
25 tained under subsection (b) may only be accessed by a per-

1 son other than the incarcerated person for whom such con-
2 tents are retained under the following circumstances:

3 (1) ATTORNEY GENERAL.—The Attorney Gen-
4 eral may only access retained contents if necessary
5 for the purpose of creating and maintaining the pro-
6 gram or system, or any modification to the program
7 or system, through which an incarcerated person
8 sends or receives electronic communications. The At-
9 torney General may not review retained contents
10 that are accessed pursuant to this paragraph.

11 (2) INVESTIGATIVE AND LAW ENFORCEMENT
12 OFFICERS.—

13 (A) WARRANT.—

14 (i) IN GENERAL.—Retained contents
15 may only be accessed by an investigative or
16 law enforcement officer pursuant to a war-
17 rant issued by a court pursuant to the pro-
18 cedures described in the Federal Rules of
19 Criminal Procedure.

20 (ii) APPROVAL.—No application for a
21 warrant may be made to a court without
22 the express approval of a United States
23 Attorney or an Assistant Attorney General.

24 (B) PRIVILEGED INFORMATION.—

1 (i) REVIEW.—Before retained con-
2 tents may be accessed pursuant to a war-
3 rant obtained under subparagraph (A),
4 such contents shall be reviewed by a
5 United States Attorney to ensure that
6 privileged electronic communications are
7 not accessible.

8 (ii) BARRING PARTICIPATION.—A
9 United States Attorney who reviews re-
10 tained contents pursuant to clause (i) shall
11 be barred from—

12 (I) participating in a legal pro-
13 ceeding in which an individual who
14 sent or received an electronic commu-
15 nication from which such contents are
16 retained under subsection (b) is a de-
17 fendant; or

18 (II) sharing the retained contents
19 with an attorney who is participating
20 in such a legal proceeding.

21 (3) MOTION TO SUPPRESS.—In a case in which
22 retained contents have been accessed in violation of
23 this subsection, a court may suppress evidence ob-
24 tained or derived from access to such contents upon
25 motion of the defendant.

1 (e) DEFINITIONS.—In this section—

2 (1) the term “agent of an attorney or legal rep-
3 resentative” means any person employed by or con-
4 tracting with an attorney or legal representative, in-
5 cluding law clerks, interns, investigators, paraprofes-
6 sionals, and administrative staff;

7 (2) the term “contents” has the meaning given
8 such term in 2510 of title 18, United States Code;

9 (3) the term “electronic communication” has
10 the meaning given such term in section 2510 of title
11 18, United States Code, and includes the Trust
12 Fund Limited Inmate Computer System;

13 (4) the term “monitoring” means accessing the
14 contents of an electronic communication at any time
15 after such communication is sent;

16 (5) the term “incarcerated person” means any
17 individual in the custody of the Bureau of Prisons
18 or the United States Marshals Service who has been
19 charged with or convicted of an offense against the
20 United States, including such an individual who is
21 imprisoned in a State institution; and

22 (6) the term “privileged electronic communica-
23 tion” means—

24 (A) any electronic communication between
25 an incarcerated person and a potential, current,

1 or former attorney or legal representative of
2 such a person; and

3 (B) any electronic communication between
4 an incarcerated person and the agent of an at-
5 torney or legal representative described in sub-
6 paragraph (A).

7 **SEC. 191107. COVID-19 CORRECTIONAL FACILITY EMER-**
8 **GENCY RESPONSE ACT OF 2020.**

9 Title I of the Omnibus Crime Control and Safe
10 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
11 by adding at the end the following:

12 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**
13 **EMERGENCY RESPONSE**

14 **“SEC. 3061. FINDINGS; PURPOSES.**

15 “(a) IMMEDIATE RELEASE OF VULNERABLE AND
16 LOW-RISK INDIVIDUALS.—The purpose of the grant pro-
17 gram under section 3062 is to provide for the testing, ini-
18 tiation and transfer to treatment in the community, and
19 provision of services in the community, by States and units
20 of local government as they relate to preventing, detecting,
21 and stopping the spread of COVID-19 in correctional fa-
22 cilities.

23 “(b) PRETRIAL CITATION AND RELEASE.—

24 “(1) FINDINGS.—Congress finds as follows:

1 “(A) With the dramatic growth in pretrial
2 detention resulting in county and city correc-
3 tional facilities regularly exceeding capacity,
4 such correctional facilities may serve to rapidly
5 increase the spread of COVID–19, as facilities
6 that hold large numbers of individuals in
7 congregant living situations may promote the
8 spread of COVID–19.

9 “(B) While individuals arrested and proc-
10 essed at local correctional facilities may only be
11 held for hours or days, exposure to large num-
12 ber of individuals in holding cells and court-
13 rooms promotes the spread of COVID–19.

14 “(C) Pretrial detainees and individuals in
15 correctional facilities are then later released
16 into the community having being exposed to
17 COVID–19.

18 “(2) PURPOSE.—The purpose of the grant pro-
19 gram under section 3065 is to substantially increase
20 the use of risk-based citation release for all individ-
21 uals who do not present a public safety risk.

22 **“SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND**
23 **LOW-RISK INDIVIDUALS.**

24 “(a) AUTHORIZATION.—The Attorney General shall
25 carry out a grant program to make grants to States and

1 units of local government that operate correctional facili-
2 ties, to establish and implement policies and procedures
3 to prevent, detect, and stop the presence and spread of
4 COVID–19 among arrestees, detainees, inmates, correc-
5 tional facility staff, and visitors to the facilities.

6 “(b) PROGRAM ELIGIBILITY.—

7 “(1) IN GENERAL.—Eligible applicants under
8 this section are States and units of local government
9 that release or have a plan to release the persons de-
10 scribed in paragraph (2) from custody in order to
11 ensure that, not later than 90 days after enactment
12 of this section, the total population of arrestees, de-
13 tainees, and inmates at a correctional facility does
14 not exceed the number established under subsection
15 (c).

16 “(2) PERSONS DESCRIBED.—A person de-
17 scribed in this paragraph is a person who—

18 “(A) does not pose a risk of serious, immi-
19 nent injury to a reasonably identifiable person;

20 or

21 “(B) is—

22 “(i) 50 years of age or older;

23 “(ii) a juvenile;

24 “(iii) an individual with serious chron-
25 ic medical conditions, including heart dis-

1 ease, cancer, diabetes, HIV, sickle cell ane-
2 mia, a neurological disease that interferes
3 with the ability to cough or breathe, chron-
4 ic lung disease, asthma, or respiratory ill-
5 ness;

6 “(iv) a pregnant woman;

7 “(v) an individual who is
8 immunocompromised or has a weakened
9 immune system; or

10 “(vi) an individual who has a health
11 condition or disability that makes them
12 vulnerable to COVID–19.

13 “(c) TARGET CORRECTIONAL POPULATION.—

14 “(1) TARGET POPULATION.—An eligible appli-
15 cant shall establish individualized, facility-specific
16 target capacities at each correction facility that will
17 receive funds under this section that reflect the max-
18 imum number of individuals who may be incarcer-
19 ated safely in accordance with the Centers for Dis-
20 ease Control and Prevention guidelines for correc-
21 tional facilities pertaining to COVID–19, with con-
22 sideration given to Centers for Disease Control and
23 Prevention guidelines pertaining to community-based
24 physical distancing, hygiene, and sanitation. A cor-
25 rectional facility receiving funds under this section

1 may not use isolation in a punitive or non-medical
2 manner as a way of achieving specific target capac-
3 ities established under this paragraph.

4 “(2) CERTIFICATION.—An eligible applicant
5 shall include in its application for a grant under this
6 section a certification by a public health professional
7 who is certified in epidemiology or infectious dis-
8 eases that each correctional facility that will receive
9 funds under this section in its jurisdiction meets the
10 appropriate target capacity standard established
11 under paragraph (1).

12 “(d) AUTHORIZED USES.—Funds awarded pursuant
13 to this section shall be used by grantees (including acting
14 through nonprofit entities) to—

15 “(1) test all arrestees, detainees, and inmates,
16 and initiate treatment for COVID–19, and transfer
17 such an individual for an appropriate treatment at
18 external medical facility, as needed;

19 “(2) test for COVID–19—

20 “(A) correctional facility staff;

21 “(B) volunteers;

22 “(C) visitors, including family members
23 and attorneys;

24 “(D) court personnel that have regular
25 contact with arrestees, detainees, and inmates;

1 “(E) law enforcement officers who trans-
2 port arrestees, detainees, and inmates; and

3 “(F) personnel outside the correctional fa-
4 cility who provide medical treatment to
5 arrestees, detainees, and inmates;

6 “(3) curtail booking and in-facility processing
7 for individuals who have committed technical parole
8 or probation violations; and

9 “(4) provide transition and reentry support
10 services to individuals released pursuant to this sec-
11 tion, including programs that—

12 “(A) increase access to and participation
13 in reentry services;

14 “(B) promote a reduction in recidivism
15 rates;

16 “(C) facilitate engagement in educational
17 programs, job training, or employment;

18 “(D) place reentering individuals in safe
19 and sanitary temporary transitional housing;

20 “(E) facilitate the enrollment of reentering
21 individuals with a history of substance use dis-
22 order in medication-assisted treatment and a
23 referral to overdose prevention services, mental
24 health services, or other medical services; and

1 “(F) facilitate family reunification or sup-
2 port services, as needed.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated \$500,000,000 to carry
5 out this section and section 3065 for each of fiscal years
6 2020 and 2021.

7 **“SEC. 3063. JUVENILE SPECIFIC SERVICES.**

8 “(a) IN GENERAL.—The Attorney General, acting
9 through the Administrator of the Office Juvenile Justice
10 and Delinquency Prevention, consistent with section 261
11 of the Juvenile Justice and Delinquency Prevention Act
12 of 1974 (34 U.S.C. 11171), is authorized to make grants
13 to States and units of local government or combinations
14 thereof to assist them in planning, establishing, operating,
15 coordinating, and evaluating projects directly, or through
16 grants and contracts with public and private agencies and
17 nonprofit entities (as such term is defined under section
18 408(5)(A) of the Juvenile Justice and Delinquency Pre-
19 vention Act of 1974 (34 U.S.C. 11296(5)(A))), for the de-
20 velopment of more effective education, training, research,
21 prevention, diversion, treatment, and rehabilitation pro-
22 grams in the area of juvenile delinquency and programs
23 to improve the juvenile justice system, consistent with sub-
24 section (b).

1 “(b) USE OF GRANT FUNDS.—Grants under this sec-
2 tion shall be used for the exclusive purpose of providing
3 juvenile specific services that—

4 “(1) provide rapid mass testing for COVID–19
5 in juvenile facilities, notification of the results of
6 such tests to juveniles and authorized family mem-
7 bers or legal guardians, and include policies and pro-
8 cedures for non-punitive quarantine that does not in-
9 volve solitary confinement, and provide for examina-
10 tion by a doctor for any juvenile who tests positive
11 for COVID–19;

12 “(2) examine all pre- and post-adjudication re-
13 lease processes and mechanisms applicable to juve-
14 niles and begin employing these as quickly as pos-
15 sible;

16 “(3) provide juveniles in out of home place-
17 ments with continued access to appropriate edu-
18 cation;

19 “(4) provide juveniles with access to legal coun-
20 sel through confidential visits or teleconferencing;

21 “(5) provide staff and juveniles with appro-
22 priate personal protective equipment, hand washing
23 facilities, toiletries, and medical care to reduce the
24 spread of the virus;

1 “(6) provide juveniles with frequent and no cost
2 calls home to parents, legal guardians, and other
3 family members;

4 “(7) advance policies and procedures for juve-
5 nile delinquency program proceedings (including
6 court proceedings) and probation conditions so that
7 in-person reporting requirements for juveniles are
8 replaced with virtual or telephonic appearances with-
9 out penalty;

10 “(8) expand opportunities for juveniles to par-
11 ticipate in community based services and social serv-
12 ices through videoconferencing or teleconferencing;
13 or

14 “(9) place a moratorium on all requirements for
15 juveniles to attend and pay for court and probation-
16 ordered programs, community service, and labor,
17 that violate any applicable social distancing or stay
18 at home order.

19 Each element described in paragraph (1) through (9) shall
20 be trauma-informed, reflect the science of adolescent de-
21 velopment, and be designed to meet the needs of at-risk
22 juveniles and juveniles who come into contact with the jus-
23 tice system.

24 “(c) DEFINITIONS.—Terms used in this section have
25 the meanings given such terms in the Juvenile Justice and

1 Delinquency Prevention Act of 1974. The term ‘juvenile’
2 has the meaning given such term in section 1809 of this
3 Act.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$75,000,000 for each of fiscal years 2020 and 2021.

7 **“SEC. 3064. RAPID COVID-19 TESTING.**

8 “(a) IN GENERAL.—The Attorney General shall
9 make grants to grantees under section 3062 for the exclu-
10 sive purpose of providing for rapid COVID-19 testing of
11 arrestees, detainees, and inmates who are exiting the cus-
12 tody of a correctional facility prior to returning to the
13 community.

14 “(b) USE OF FUNDS.—Grants provided under this
15 section may be used for any of the following:

16 “(1) Purchasing or leasing medical devices au-
17 thorized by the U.S. Food and Drug Administration
18 to detect COVID-19 that produce results in less
19 than one hour.

20 “(2) Purchasing or securing COVID-19 testing
21 supplies and personal protective equipment used by
22 the correctional facility to perform such tests.

23 “(3) Contracting with medical providers to ad-
24 minister such tests.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$25,000,000 for each of fiscal years 2020 and 2021.

4 **“SEC. 3065. PRETRIAL CITATION AND RELEASE.**

5 “(a) AUTHORIZATION.—The Attorney General shall
6 make grants under this section to eligible applicants for
7 the purposes set forth in section 3061(b)(2).

8 “(b) PROGRAM ELIGIBILITY.—Eligible applicants
9 under this section are States and units of local government
10 that implement or continue operation of a program de-
11 scribed in subsection (c)(1) and not fewer than 2 of the
12 other programs enumerated in such subsection.

13 “(c) USE OF GRANT FUNDS.—A grantee shall use
14 amounts provided as a grant under this section for pro-
15 grams that provide for the following:

16 “(1) Adopting and operating a cite-and-release
17 process for individuals who are suspected of commit-
18 ting misdemeanor and felony offenses and who do
19 not pose a risk of serious, imminent injury to a rea-
20 sonably identifiable person.

21 “(2) Curtailing booking and in-facility proc-
22 essing for individuals who have committed technical
23 parole or probation violations.

24 “(3) Ensuring that defense counsel is appointed
25 at the earliest hearing that could result in pretrial

1 detention so that low-risk defendants are not unneces-
2 sarily further exposed to COVID-19.

3 “(4) Establishing early review of charges by an
4 experienced prosecutor, so only arrestees and detain-
5 ees who will be charged are detained.

6 “(5) Providing appropriate victims’ services
7 supports and safety-focused residential accommoda-
8 tions for victims and community members who have
9 questions or concerns about releases described in
10 this subsection.

11 **“SEC. 3066. REPORT.**

12 “(a) IN GENERAL.—Not later than 6 months after
13 the date on which grants are initially made under this
14 part, and biannually thereafter during the grant period,
15 the Attorney General shall submit to Congress a report
16 on the program, which shall include—

17 “(1) the number of grants made, the number of
18 grantees, and the amount of funding distributed to
19 each grantee pursuant to this part;

20 “(2) the location of each correctional facility
21 where activities are carried out using grant amounts;

22 “(3) the number of persons in the custody of
23 correctional facilities where activities are carried out
24 using grant amounts, including incarcerated persons
25 released on parole, community supervision, good

1 time or early release, clemency or commutation, as
2 a result of the national emergency under the Na-
3 tional Emergencies Act (50 U.S.C. 1601 et seq.) de-
4 clared by the President with respect to the
5 Coronavirus Disease 2019 ('COVID-19'),
6 disaggregated by type of offense, age, race, sex, and
7 ethnicity; and

8 “(4) for each facility receiving funds under sec-
9 tion 3062—

10 “(A) the total number of tests for COVID-
11 19 performed;

12 “(B) the results of such COVID-19 tests
13 (confirmed positive or negative);

14 “(C) the total number of probable
15 COVID-19 infections;

16 “(D) the total number of COVID-19-re-
17 lated hospitalizations, the total number of in-
18 tensive care unit admissions, and the duration
19 of each such hospitalization;

20 “(E) recoveries from COVID-19; and

21 “(F) COVID-19 deaths,
22 disaggregated by race, ethnicity, age, disability, sex,
23 pregnancy status, and whether the individual is a
24 staff member of or incarcerated at the facility.

1 “(b) PRIVACY.—Data reported under this section
2 shall be reported in accordance with applicable privacy
3 laws and regulations.

4 **“SEC. 3067. NO MATCHING REQUIRED.**

5 “The Attorney General shall not require grantees to
6 provide any matching funds with respect to the use of
7 funds under this part.

8 **“SEC. 3068. DEFINITION.**

9 “For purposes of this part:

10 “(1) CORRECTIONAL FACILITY.—The term ‘cor-
11 rectional facility’ includes a juvenile facility.

12 “(2) COVERED EMERGENCY PERIOD.—The term
13 ‘covered emergency period’ has the meaning given
14 the term in section 12003 of the CARES Act (Pub-
15 lic Law 116–136).

16 “(3) COVID–19.—The term ‘COVID–19’
17 means a disease caused by severe acute respiratory
18 syndrome coronavirus 2 (SARS–CoV–2).

19 “(4) DETAINEE; ARRESTEE; INMATE.—The
20 terms ‘detainee’, ‘arrestee’, and ‘inmate’ each in-
21 clude juveniles.”.

22 **SEC. 191108. MORATORIUM ON FEES AND FINES.**

23 (a) IN GENERAL.—During the covered emergency pe-
24 riod, and for fiscal years 2020, 2021, and 2022, the Attor-
25 ney General is authorized make grants to State and local

1 courts that comply with the requirement under subsection
2 (b) to ensure that such recipients are able to continue op-
3 erations.

4 (b) REQUIREMENT TO IMPOSE MORATORIUM ON IM-
5 POSITION AND COLLECTION OF FEES AND FINES.—To be
6 eligible for a grant under this section, a court shall imple-
7 ment a moratorium on the imposition and collection (in-
8 cluding by a unit of local government or a State) of fees
9 and fines imposed by that court—

10 (1) not later than 120 day after the date of the
11 enactment of this section;

12 (2) retroactive to a period beginning 30 days
13 prior the covered emergency period; and

14 (3) continuing for an additional 90 days after
15 the date the covered emergency period terminates.

16 (c) GRANT AMOUNT.—In making grants under this
17 section, the Attorney General shall—

18 (1) give preference to applicants that implement
19 a moratorium on the imposition and collection of
20 fines and fees related to juvenile delinquency pro-
21 ceedings for each of fiscal years 2020 through 2022;
22 and

23 (2) make such grants in amounts that are pro-
24 portionate to the number of individuals in the juris-
25 diction of the court.

1 (d) USE OF FUNDS.—Funds made available under
2 this section may be used to ensure that the recipient is
3 able to continue court operations during the covered emer-
4 gency period.

5 (e) NO MATCHING REQUIREMENT.—There is no
6 matching requirement for grants under this section.

7 (f) DEFINITIONS.—In this section:

8 (1) The term “fees”—

9 (A) means monetary fees that are imposed
10 for the costs of fine surcharges or court admin-
11 istrative fees; and

12 (B) includes additional late fees, payment-
13 plan fees, interest added if an individual is un-
14 able to pay a fine in its entirety, collection fees,
15 and any additional amounts that do not include
16 the fine.

17 (2) The term “fines” means monetary fines im-
18 posed as punishment.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$150,000,000 for each of fiscal years 2020 through 2022.

22 **SEC. 191109. DEFINITION.**

23 In this title, the term “covered emergency period”
24 has the meaning given the term in section 12003 of the
25 CARES Act (Public Law 116–136).

1 **SEC. 191110. SEVERABILITY.**

2 If any provision of this title or any amendment made
3 by this title, or the application of a provision or amend-
4 ment to any person or circumstance, is held to be invalid,
5 the remainder of this title and the amendments made by
6 this title, and the application of the provisions and amend-
7 ments to any other person not similarly situated or to
8 other circumstances, shall not be affected by the holding.

9 **TITLE XII—IMMIGRATION**
10 **MATTERS**

11 **SEC. 191201. EXTENSION OF FILING AND OTHER DEAD-**
12 **LINES.**

13 (a) NEW DEADLINES FOR EXTENSION OR CHANGE
14 OF STATUS OR OTHER BENEFITS.—

15 (1) FILING DELAYS.—In the case of an alien
16 who was lawfully present in the United States on
17 January 26, 2020, the alien's application for an ex-
18 tension or change of nonimmigrant status, applica-
19 tion for renewal of employment authorization, or any
20 other application for extension or renewal of a pe-
21 riod of authorized stay, shall be considered timely
22 filed if the due date of the application is within the
23 period described in subsection (d) and the applica-
24 tion is filed not later than 60 days after it otherwise
25 would have been due.

1 (2) DEPARTURE DELAYS.—In the case of an
2 alien who was lawfully present in the United States
3 on January 26, 2020, the alien shall not be consid-
4 ered to be unlawfully present in the United States
5 during the period described in subsection (d).

6 (3) SPECIFIC AUTHORITY.—

7 (A) IN GENERAL.—With respect to any
8 alien whose immigration status, employment
9 authorization, or other authorized period of stay
10 has expired or will expire during the period de-
11 scribed in subsection (d), during the one-year
12 period beginning on the date of the enactment
13 of this title, or during both such periods, the
14 Secretary of Homeland Security shall automati-
15 cally extend such status, authorization, or pe-
16 riod of stay until the date that is 90 days after
17 the last day of whichever of such periods ends
18 later.

19 (B) EXCEPTION.—If the status, authoriza-
20 tion, or period of stay referred to in subpara-
21 graph (A) is based on a grant of deferred ac-
22 tion, or a grant of temporary protected status
23 under section 244 of the Immigration and Na-
24 tionality Act (8 U.S.C. 1254a), the extension
25 under such subparagraph shall be for a period

1 not less than the period for which deferred ac-
2 tion or temporary protected status originally
3 was granted by the Secretary of Homeland Se-
4 curity.

5 (b) IMMIGRANT VISAS.—

6 (1) EXTENSION OF VISA EXPIRATION.—Not-
7 withstanding the limitations under section 221(c) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1201(c)), in the case of any immigrant visa issued
10 to an alien that expires or expired during the period
11 described in subsection (d), the period of validity of
12 the visa is extended until the date that is 90 days
13 after the end of such period.

14 (2) ROLLOVER OF UNUSED VISAS.—

15 (A) IN GENERAL.—For fiscal years 2021
16 and 2022, the worldwide level of family-spon-
17 sored immigrants under subsection (c) of sec-
18 tion 201 of the Immigration and Nationality
19 Act (8 U.S.C. 1151), the worldwide level of em-
20 ployment-based immigrants under subsection
21 (d) of such section, and the worldwide level of
22 diversity immigrants under subsection (e) of
23 such section shall each be increased by the
24 number computed under subparagraph (B) with
25 respect to each of such worldwide levels.

1 (B) COMPUTATION OF INCREASE.—For
2 each of the worldwide levels described in sub-
3 paragraph (A), the number computed under
4 this subparagraph is the difference (if any) be-
5 tween the worldwide level established for the
6 previous fiscal year under the applicable sub-
7 section of section 201 of the Immigration and
8 Nationality Act (8 U.S.C. 1151) and the num-
9 ber of visas that were, during the previous fiscal
10 year, issued and used as the basis for an appli-
11 cation for admission into the United States as
12 an immigrant described in the applicable sub-
13 section.

14 (C) CLARIFICATIONS.—

15 (i) ALLOCATION AMONG PREFERENCE
16 CATEGORIES.—The additional visas made
17 available for fiscal years 2021 and 2022 as
18 a result of the computations made under
19 subparagraphs (A) and (B) shall be pro-
20 portionally allocated as set forth in sub-
21 sections (a), (b), and (c) of section 203 of
22 the Immigration and Nationality Act (8
23 U.S.C. 1153).

24 (ii) ELIMINATION OF FALL ACROSS.—

25 For fiscal years 2021 and 2022, the num-

1 ber computed under subsection (c)(3)(C) of
2 section 201 of the Immigration and Na-
3 tionality Act (8 U.S.C. 1151), and the
4 number computed under subsection
5 (d)(2)(C) of such section, are deemed to
6 equal zero.

7 (c) VOLUNTARY DEPARTURE.—Notwithstanding sec-
8 tion 240B of the Immigration and Nationality Act (8
9 U.S.C. 1229c), if a period for voluntary departure under
10 such section expires or expired during the period described
11 in subsection (d), such voluntary departure period is ex-
12 tended until the date that is 90 days after the end of such
13 period.

14 (d) PERIOD DESCRIBED.—The period described in
15 this subsection—

16 (1) begins on the first day of the public health
17 emergency declared by the Secretary of Health and
18 Human Services under section 319 of the Public
19 Health Service Act (42 U.S.C. 247d) with respect to
20 COVID–19; and

21 (2) ends 90 days after the date on which such
22 public health emergency terminates.

1 **SEC. 191202. TEMPORARY ACCOMMODATIONS FOR NATU-**
2 **RALIZATION OATH CEREMONIES DUE TO**
3 **PUBLIC HEALTH EMERGENCY.**

4 (a) REMOTE OATH CEREMONIES.—Not later than 30
5 days after the date of the enactment of this title, the Sec-
6 retary of Homeland Security shall establish procedures for
7 the administration of the oath of renunciation and alle-
8 giance under section 337 of the Immigration and Nation-
9 ality Act (8 U.S.C. 1448) using remote videoconferencing,
10 or other remote means for individuals who cannot reason-
11 ably access remote videoconferencing, as an alternative to
12 an in-person oath ceremony.

13 (b) ELIGIBLE INDIVIDUALS.—Notwithstanding sec-
14 tion 310(b) of the Immigration and Nationality Act (8
15 U.S.C. 1421(b)), an individual may complete the natu-
16 ralization process by participating in a remote oath cere-
17 mony conducted pursuant to subsection (a) if such indi-
18 vidual—

19 (1) has an approved application for naturaliza-
20 tion;

21 (2) is unable otherwise to complete the natu-
22 ralization process due to the cancellation or suspen-
23 sion of in-person oath ceremonies during the public
24 health emergency declared by the Secretary of
25 Health and Human Services under section 319 of

1 the Public Health Service Act (42 U.S.C. 247d) with
2 respect to COVID–19; and

3 (3) elects to participate in a remote oath cere-
4 mony in lieu of waiting for in-person ceremonies to
5 resume.

6 (c) **ADDITIONAL REQUIREMENTS.**—Upon estab-
7 lishing the procedures described in subsection (a), the Sec-
8 retary of Homeland Security shall—

9 (1) without undue delay, provide written notice
10 to individuals described in subsection (b)(1) of the
11 option of participating in a remote oath ceremony in
12 lieu of a participating in an in-person ceremony;

13 (2) to the greatest extent practicable, ensure
14 that remote oath ceremonies are administered to in-
15 dividuals who elect to participate in such a ceremony
16 not later than 30 days after the individual so noti-
17 fies the Secretary; and

18 (3) administer oath ceremonies to all other eli-
19 gible individuals as expeditiously as possible after
20 the end of the public health emergency referred to
21 in subsection (b)(2).

22 (d) **AVAILABILITY OF REMOTE OPTION.**—The Sec-
23 retary of Homeland Security shall begin administering re-
24 mote oath ceremonies on the date that is 60 days after
25 the date of the enactment of this title and shall continue

1 administering such ceremonies until a date that is not ear-
2 lier than 90 days after the end of the public health emer-
3 gency referred to in subsection (b)(2).

4 (e) CLARIFICATION.—Failure to appear for a remote
5 oath ceremony shall not create a presumption that the in-
6 dividual has abandoned his or her intent to be naturalized.

7 (f) REPORT TO CONGRESS.—Not later than 180 days
8 after the end of the public health emergency referred to
9 in subsection (b)(2), the Secretary of Homeland Security
10 shall submit a report to Congress that identifies, for each
11 State and political subdivision of a State, the number of—

12 (1) individuals who were scheduled for an in-
13 person oath ceremony that was cancelled due to such
14 public health emergency;

15 (2) individuals who were provided written notice
16 pursuant to subsection (c)(1) of the option of par-
17 ticipating in a remote oath ceremony;

18 (3) individuals who elected to participate in a
19 remote oath ceremony in lieu of an in-person public
20 ceremony;

21 (4) individuals who completed the naturaliza-
22 tion process by participating in a remote oath cere-
23 mony; and

24 (5) remote oath ceremonies that were conducted
25 within the period described in subsection (d).

1 **SEC. 191203. TEMPORARY PROTECTIONS FOR ESSENTIAL**
2 **CRITICAL INFRASTRUCTURE WORKERS.**

3 (a) PROTECTIONS FOR ESSENTIAL CRITICAL INFRA-
4 STRUCTURE WORKERS.—During the period described in
5 subsection (e), an alien described in subsection (d) shall
6 be deemed to be in a period of deferred action and author-
7 ized for employment for purposes of section 274A of the
8 Immigration and Nationality Act (8 U.S.C. 1324a).

9 (b) EMPLOYER PROTECTIONS.—During the period
10 described in subsection (e), the hiring, employment, or
11 continued employment of an alien described in subsection
12 (d) is not a violation of section 274A(a) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1324a(a)).

14 (c) CLARIFICATION.—Nothing in this section shall be
15 deemed to require an alien described in subsection (d), or
16 such alien’s employer—

17 (1) to submit an application for employment
18 authorization or deferred action, or register with, or
19 pay a fee to, the Secretary of Homeland Security or
20 the head of any other Federal agency; or

21 (2) to appear before an agent of the Depart-
22 ment of Homeland Security or any other Federal
23 agency for an interview, examination, or any other
24 purpose.

25 (d) ALIENS DESCRIBED.—An alien is described in
26 this subsection if the alien—

1 (1) on the date of the enactment of this title—

2 (A) is physically present in the United
3 States; and

4 (B) is inadmissible to, or deportable from,
5 the United States; and

6 (2) engaged in essential critical infrastructure
7 labor or services in the United States prior to the
8 period described in subsection (e) and continues to
9 engage in such labor or services during such period.

10 (e) PERIOD DESCRIBED.—The period described in
11 this subsection—

12 (1) begins on the first day of the public health
13 emergency declared by the Secretary of Health and
14 Human Services under section 319 of the Public
15 Health Service Act (42 U.S.C. 247d) with respect to
16 COVID-19; and

17 (2) ends 90 days after the date on which such
18 public health emergency terminates.

19 (f) ESSENTIAL CRITICAL INFRASTRUCTURE LABOR
20 OR SERVICES.—For purposes of this section, the term “es-
21 sential critical infrastructure labor or services” means
22 labor or services performed in an essential critical infra-
23 structure sector, as described in the “Advisory Memo-
24 randum on Identification of Essential Critical Infrastruc-

1 ture Workers During COVID–19 Response”, revised by
2 the Department of Homeland Security on April 17, 2020.

3 **SEC. 191204. SUPPLEMENTING THE COVID RESPONSE**
4 **WORKFORCE.**

5 (a) EXPEDITED GREEN CARDS FOR CERTAIN PHYSI-
6 CIANS IN THE UNITED STATES.—

7 (1) IN GENERAL.—During the period described
8 in paragraph (3), an alien described in paragraph
9 (2) may apply to acquire the status of an alien law-
10 fully admitted to the United States for permanent
11 residence consistent with section 201(b)(1) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1151(b)(1)).

14 (2) ALIEN DESCRIBED.—An alien described in
15 this paragraph is an alien physician (and the spouse
16 and children of such alien) who—

17 (A) has an approved immigrant visa peti-
18 tion under section 203(b)(2)(B)(ii) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1153(b)(2)(B)(ii)) and has completed the serv-
21 ice requirements for a waiver under such sec-
22 tion on or before the date of the enactment of
23 this title; and

24 (B) provides a statement to the Secretary
25 of Homeland Security attesting that the alien is

1 engaged in or will engage in the practice of
2 medicine or medical research involving the diag-
3 nosis, treatment, or prevention of COVID–19.

4 (3) PERIOD DESCRIBED.—The period described
5 in this paragraph is the period beginning on the date
6 of the enactment of this title and ending 180 days
7 after the termination of the public health emergency
8 declared by the Secretary of Health and Human
9 Services under section 319 of the Public Health
10 Service Act (42 U.S.C. 247d), with respect to
11 COVID–19.

12 (b) EXPEDITED PROCESSING OF NONIMMIGRANT PE-
13 TITIONS AND APPLICATIONS.—

14 (1) IN GENERAL.—In accordance with the pro-
15 cedures described in paragraph (2), the Secretary of
16 Homeland Security shall expedite the processing of
17 applications and petitions seeking employment or
18 classification of an alien as a nonimmigrant to prac-
19 tice medicine, provide healthcare, engage in medical
20 research, or participate in a graduate medical edu-
21 cation or training program involving the diagnosis,
22 treatment, or prevention of COVID–19.

23 (2) APPLICATIONS OR PETITIONS FOR NEW EM-
24 PLOYMENT OR CHANGE OF STATUS.—

1 (A) INITIAL REVIEW.—Not later than 15
2 days after the Secretary of Homeland Security
3 receives an application or petition for new em-
4 ployment or change of status described in para-
5 graph (1), the Secretary shall conduct an initial
6 review of such application or petition and, if ad-
7 ditional evidence is required, shall issue a re-
8 quest for evidence.

9 (B) DECISION.—

10 (i) IN GENERAL.—The Secretary of
11 Homeland Security shall issue a final deci-
12 sion on an application or petition described
13 in paragraph (1) not later than 30 days
14 after receipt of such application or peti-
15 tion, or, if a request for evidence is issued,
16 not later than 15 days after the Secretary
17 receives the applicant or petitioner's re-
18 sponse to such request.

19 (ii) E-MAIL.—In addition to delivery
20 through regular mail services, decisions de-
21 scribed in clause (i) shall be transmitted to
22 the applicant or petitioner via electronic
23 mail, if the applicant or petitioner provides
24 the Secretary of Homeland Security with
25 an electronic mail address.

1 (3) TERMINATION.—This subsection shall take
2 effect on the date of the enactment of this title and
3 shall cease to be effective on the date that is 180
4 days after the termination of the public health emer-
5 gency declared by the Secretary of Health and
6 Human Services under section 319 of the Public
7 Health Service Act (42 U.S.C. 247d), with respect
8 to COVID–19.

9 (c) EMERGENCY VISA PROCESSING.—

10 (1) VISA PROCESSING.—

11 (A) IN GENERAL.—The Secretary of State
12 shall prioritize the processing of applications
13 submitted by aliens who are seeking a visa
14 based on an approved nonimmigrant petition to
15 practice medicine, provide healthcare, engage in
16 medical research, or participate in a graduate
17 medical education or training program involving
18 the diagnosis, treatment, or prevention of
19 COVID–19.

20 (B) INTERVIEW.—

21 (i) IN GENERAL.—The Secretary of
22 State shall ensure that visa appointments
23 are scheduled for aliens described in sub-
24 paragraph (A) not later than 7 business

1 days after the alien requests such an ap-
2 pointment.

3 (ii) SUSPENSION OF ROUTINE VISA
4 SERVICES.—If routine visa services are un-
5 available in the alien’s home country—

6 (I) the U.S. embassy or consulate
7 in the alien’s home country shall—

8 (aa) conduct the visa inter-
9 view with the alien via video-tele-
10 conferencing technology; or

11 (bb) grant an emergency
12 visa appointment to the alien not
13 later than 10 business days after
14 the alien requests such an ap-
15 pointment; or

16 (II) the alien may seek a visa ap-
17 pointment at any other U.S. embassy
18 or consulate where routine visa serv-
19 ices are available, and such embassy
20 or consulate shall make every reason-
21 able effort to provide the alien with an
22 appointment within 10 business days
23 after the alien requests such an ap-
24 pointment.

1 (2) INTERVIEW WAIVERS.—Except as provided
2 in section 222(h)(2) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1202(h)(2)), the Secretary of
4 State shall waive the interview of any alien seeking
5 a nonimmigrant visa based on an approved petition
6 described in paragraph (1)(A), if—

7 (A) such alien is applying for a visa—

8 (i) not more than 3 years after the
9 date on which such alien's prior visa ex-
10 pired;

11 (ii) in the visa classification for which
12 such prior visa was issued; and

13 (iii) at a consular post located in the
14 alien's country of residence or, if otherwise
15 required by regulation, country of nation-
16 ality; and

17 (B) the consular officer has no indication
18 that such alien has failed to comply with the
19 immigration laws and regulations of the United
20 States.

21 (3) TERMINATION.—This subsection shall take
22 effect on the date of the enactment of this title and
23 shall cease to be effective on the date that is 180
24 days after the termination of the public health emer-
25 gency declared by the Secretary of Health and

1 Human Services under section 319 of the Public
2 Health Service Act (42 U.S.C. 274d), with respect
3 to COVID-19.

4 (d) IMPROVING MOBILITY OF NONIMMIGRANT
5 COVID-19 WORKERS.—

6 (1) LICENSURE.—Notwithstanding section
7 212(j)(2) of the Immigration and Nationality Act (8
8 U.S.C. 1182(j)(2)), for the period described in para-
9 graph (6), the Secretary of Homeland Security may
10 approve a petition for classification as a non-
11 immigrant described under section
12 101(a)(15)(H)(i)(b) of such Act, filed on behalf of a
13 physician for purposes of performing direct patient
14 care if such physician possesses a license or other
15 authorization required by the State of intended em-
16 ployment to practice medicine, or is eligible for a
17 waiver of such requirement pursuant to an executive
18 order, emergency rule, or other action taken by the
19 State to modify or suspend regular licensing require-
20 ments in response to the COVID-19 public health
21 emergency.

22 (2) TEMPORARY LIMITATIONS ON AMENDED H-
23 1B PETITIONS.—

24 (A) IN GENERAL.—Notwithstanding any
25 other provision of law, the Secretary of Home-

1 land Security shall not require an employer of
2 a nonimmigrant alien described in section
3 101(a)(15)(H)(i)(b) of the Immigration and
4 Nationality Act (8 U.S.C.
5 1101(a)(15)(H)(i)(b)) to file an amended or
6 new petition under section 214(a) of such Act
7 (8 U.S.C. 1184(a)) if upon transferring such
8 alien to a new area of employment, the alien
9 will practice medicine, provide healthcare, or
10 engage in medical research involving the diag-
11 nosis, treatment, or prevention of COVID–19.

12 (B) CLARIFICATION ON TELEMEDICINE.—
13 Nothing in the Immigration and Nationality
14 Act or any other provision of law shall be con-
15 strued to require an employer of a non-
16 immigrant alien described in section
17 101(a)(15)(H)(i)(b) of the Immigration and
18 Nationality Act (8 U.S.C.
19 1101(a)(15)(H)(i)(b)) to file an amended or
20 new petition under section 214(a) of such Act
21 (8 U.S.C. 1184(a)) if the alien is a physician or
22 other healthcare worker who will provide remote
23 patient care through the use of real-time audio-
24 video communication tools to consult with pa-

1 tients and other technologies to collect, analyze,
2 and transmit medical data and images.

3 (3) PERMISSIBLE WORK ACTIVITIES FOR J-1
4 PHYSICIANS.—

5 (A) IN GENERAL.—Notwithstanding any
6 other provision of law, the diagnosis, treatment,
7 or prevention of COVID-19 shall be considered
8 an integral part of a graduate medical edu-
9 cation or training program and a nonimmigrant
10 described in section 101(a)(15)(J) of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1101(a)(15)(J)) who is participating in such a
13 program—

14 (i) may be redeployed to a new rota-
15 tion within the host training institution as
16 needed to engage in COVID-19 work; and

17 (ii) may receive compensation for such
18 work.

19 (B) OTHER PERMISSIBLE EMPLOYMENT
20 ACTIVITIES.—A nonimmigrant described in sec-
21 tion 101(a)(15)(J) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1101(a)(15)(J)) who is
23 participating in a graduate medical education
24 or training program may engage in work out-
25 side the scope of the approved program, if—

1 (i) the work involves the diagnosis,
2 treatment, or prevention of COVID–19;

3 (ii) the alien has maintained lawful
4 nonimmigrant status and has otherwise
5 complied with the terms of the education
6 or training program; and

7 (iii) the program sponsor approves the
8 additional work by annotating the non-
9 immigrant’s Certificate of Eligibility for
10 Exchange Visitor (J–1) Status (Form DS–
11 2019) and notifying the Immigration and
12 Customs Enforcement Student and Ex-
13 change Visitor Program of the approval of
14 such work.

15 (C) CLARIFICATION ON TELEMEDICINE.—
16 Section 214(l)(1)(D) of the Immigration and
17 Nationality Act (8 U.S.C. 1184(l)(1)(D)) may
18 be satisfied through the provision of care to pa-
19 tients located in areas designated by the Sec-
20 retary of Health and Human Services as having
21 a shortage of health care professionals, through
22 the physician’s use of real-time audio-video
23 communication tools to consult with patients
24 and other technologies to collect, analyze, and
25 transmit medical data and images.

1 (4) PORTABILITY OF O-1 NONIMMIGRANTS.—A
2 nonimmigrant who was previously issued a visa or
3 otherwise provided nonimmigrant status under sec-
4 tion 101(a)(15)(O)(i) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is
6 seeking an extension of such status, is authorized to
7 accept new employment under the terms and condi-
8 tions described in section 214(n) of such Act (8
9 U.S.C. 1184(n)).

10 (5) INCREASING THE ABILITY OF PHYSICIANS
11 TO CHANGE NONIMMIGRANT STATUS.—

12 (A) CHANGE OF NONIMMIGRANT CLASSI-
13 FICATION.—Section 248(a) of the Immigration
14 and Nationality Act (8 U.S.C. 1184(l)), is
15 amended—

16 (i) in paragraph (1), by inserting
17 “and” after the comma at the end;

18 (ii) by striking paragraphs (2) and
19 (3); and

20 (iii) by redesignating paragraph (4) as
21 paragraph (2).

22 (B) ADMISSION OF NONIMMIGRANTS.—
23 Section 214(l)(2)(A) of the Immigration and
24 Nationality Act (8 U.S.C. 1184(l)(2)(A)) is

1 amended by striking “Notwithstanding section
2 248(a)(2), the” and inserting “The”.

3 (6) TERMINATION.—This subsection shall take
4 effect on the date of the enactment of this title and
5 except as provided in paragraphs (2)(B), (3)(C), (4),
6 and (5), shall cease to be effective on that date that
7 is 180 days after the termination of the public
8 health emergency declared by the Secretary of
9 Health and Human Services under section 319 of
10 the Public Health Service Act (42 U.S.C. 247d),
11 with respect to COVID–19.

12 (e) CONRAD 30 PROGRAM.—

13 (1) PERMANENT AUTHORIZATION.—Section
14 220(c) of the Immigration and Nationality Technical
15 Corrections Act of 1994 (Public Law 103–416; 8
16 U.S.C. 1182 note) is amended by striking “and be-
17 fore September 30, 2015”.

18 (2) ADMISSION OF NONIMMIGRANTS.—Section
19 214(l) of the Immigration and Nationality Act (8
20 U.S.C. 1184(l)), is amended—

21 (A) in paragraph (1)(B)—

22 (i) by striking “30” and inserting
23 “35”; and

1 (ii) by inserting “, except as provided
2 in paragraph (4)” before the semicolon at
3 the end; and

4 (B) by adding at the end the following:

5 “(4) ADJUSTMENT IN WAIVER NUMBERS.—

6 “(A) INCREASES.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), if in any fiscal year,
9 not less than 90 percent of the waivers
10 provided under paragraph (1)(B) are uti-
11 lized by States receiving at least 5 such
12 waivers, the number of such waivers allot-
13 ted to each State shall increase by 5 for
14 each subsequent fiscal year.

15 “(ii) EXCEPTION.—If 45 or more
16 waivers are allotted to States in any fiscal
17 year, an increase of 5 waivers in subse-
18 quent fiscal years shall be provided only in
19 the case that not less than 95 percent of
20 such waivers are utilized by States receiv-
21 ing at least 1 waiver.

22 “(B) DECREASES.—If in any fiscal year in
23 which there was an increase in waivers, the
24 total number of waivers utilized is 5 percent
25 lower than in the previous fiscal year, the num-

1 ber of such waivers allotted to each State shall
2 decrease by 5 for each subsequent fiscal year,
3 except that in no case shall the number of waiv-
4 ers allotted to each State drop below 35.”.

5 (f) TEMPORARY PORTABILITY FOR PHYSICIANS AND
6 CRITICAL HEALTHCARE WORKERS IN RESPONSE TO
7 COVID–19 PUBLIC HEALTH EMERGENCY.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of the enactment of this title, the Secretary
10 of Homeland Security, in consultation with the Sec-
11 retary of Labor and the Secretary of Health and
12 Human Services, shall establish emergency proce-
13 dures to provide employment authorization to aliens
14 described in paragraph (2), for purposes of facili-
15 tating the temporary deployment of such aliens to
16 practice medicine, provide healthcare, or engage in
17 medical research involving the diagnosis, treatment,
18 or prevention of COVID–19.

19 (2) ALIENS DESCRIBED.—An alien described in
20 this paragraph is an alien who is—

21 (A) physically present in the United
22 States;

23 (B) maintaining lawful nonimmigrant sta-
24 tus that authorizes employment with a specific
25 employer incident to such status; and

1 (C) working in the United States in a
2 healthcare occupation essential to COVID–19
3 response, as determined by the Secretary of
4 Health and Human Services.

5 (3) EMPLOYMENT AUTHORIZATION.—

6 (A) APPLICATION.—

7 (i) IN GENERAL.—The Secretary of
8 Homeland Security may grant employment
9 authorization to an alien described in para-
10 graph (2) if such alien submits an Applica-
11 tion for Employment Authorization (Form
12 I–765 or any successor form), which shall
13 include—

14 (I) evidence of the alien’s current
15 nonimmigrant status;

16 (II) copies of the alien’s academic
17 degrees and any licenses, credentials,
18 or other documentation confirming
19 authorization to practice in the alien’s
20 occupation; and

21 (III) any other evidence deter-
22 mined necessary by the Secretary of
23 Homeland Security to establish by a
24 preponderance of the evidence that

1 the alien meets the requirements of
2 paragraph (2).

3 (ii) CONVERSION OF PENDING APPLI-
4 CATIONS.—The Secretary of Homeland Se-
5 curity shall establish procedures for the ad-
6 judication of any employment authoriza-
7 tion applications for aliens described in
8 paragraph (2) that are pending on the date
9 of the enactment of this title, and the
10 issuance of employment authorization doc-
11 uments in connection with such applica-
12 tions in accordance with the terms and
13 conditions of this subsection, upon request
14 by the applicant.

15 (B) FEES.—The Secretary of Homeland
16 Security shall collect a fee for the processing of
17 applications for employment authorization as
18 provided under this paragraph.

19 (C) REQUEST FOR EVIDENCE.—If all re-
20 quired initial evidence has been submitted
21 under this subsection but such evidence does
22 not establish eligibility, the Secretary of Home-
23 land Security shall issue a request for evidence
24 not later than 15 days after receipt of the ap-
25 plication for employment authorization.

1 (D) DECISION.—The Secretary of Home-
2 land Security shall issue a final decision on an
3 application for employment authorization under
4 this subsection not later than 30 days after re-
5 ceipt of such application, or, if a request for
6 evidence is issued, not later than 15 days after
7 the Secretary receives the alien’s response to
8 such request.

9 (E) EMPLOYMENT AUTHORIZATION
10 CARD.—An employment authorization document
11 issued under this subsection shall—

12 (i) be valid for a period of not less
13 than 1 year;

14 (ii) include the annotation “COVID-
15 19”; and

16 (iii) notwithstanding any other provi-
17 sion of law, allow the bearer of such docu-
18 ment to engage in employment during its
19 validity period, with any United States em-
20 ployer to perform services described in
21 paragraph (1).

22 (F) RENEWAL.—Subject to paragraph (5),
23 the Secretary of Homeland Security may renew
24 an employment authorization document issued

1 under this subsection in accordance with proce-
2 dures established by the Secretary.

3 (G) CLARIFICATIONS.—

4 (i) MAINTENANCE OF STATUS.—Not-
5 withstanding a reduction in hours or ces-
6 sation of work with the employer that peti-
7 tioned for the alien's underlying non-
8 immigrant status, an alien granted employ-
9 ment authorization under this subsection,
10 and the spouse and children of such alien
11 shall, for the period of such authorization,
12 be deemed—

13 (I) to be lawfully present in the
14 United States; and

15 (II) to have continuously main-
16 tained the alien's underlying non-
17 immigrant status for purposes of an
18 extension of such status, a change of
19 nonimmigrant status under section
20 248 of the Immigration and Nation-
21 ality Act (8 U.S.C. 1258), or adjust-
22 ment of status under section 245 of
23 such Act (8 U.S.C. 1255).

1 (ii) LIMITATIONS.—An employment
2 authorization document described in sub-
3 paragraph (E) may not be—

4 (I) utilized by the alien to engage
5 in any employment other than that
6 which is described in paragraph (1);
7 or

8 (II) accepted by an employer as
9 evidence of authorization under sec-
10 tion 274A(b)(1)(C) of the Immigra-
11 tion and Nationality Act (8 U.S.C.
12 1324a(b)(1)(C)), to engage in employ-
13 ment other than that which is de-
14 scribed in paragraph (1).

15 (4) TREATMENT OF TIME SPENT ENGAGING IN
16 COVID-19-RELATED WORK.—Notwithstanding any
17 other provision of law, time spent by an alien physi-
18 cian engaged in direct patient care involving the di-
19 agnosis, treatment, or prevention of COVID-19
20 shall count towards—

21 (A) the 5 years that an alien is required to
22 work as a full-time physician for purposes of a
23 national interest waiver under section
24 203(b)(2)(B)(ii) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

1 (B) the 3 years that an alien is required
2 to work as a full-time physician for purposes of
3 a waiver of the 2-year foreign residence require-
4 ment under section 212(e) of the Immigration
5 and Nationality Act (8 U.S.C. 1182(e)), as pro-
6 vided in section 214(l) of such Act (8 U.S.C.
7 1184(l)).

8 (5) EXTENSION OR TERMINATION.—The proce-
9 dures described in paragraph (1) shall take effect on
10 the date that is 30 days after the date of the enact-
11 ment of this title and shall remain in effect until
12 180 days after the termination of the public health
13 emergency declared by the Secretary of Health and
14 Human Services under section 319 of the Public
15 Health Service Act (42 U.S.C. 247d), with respect
16 to COVID-19.

17 (g) SPECIAL IMMIGRANT STATUS FOR NON-
18 IMMIGRANT COVID-19 WORKERS AND THEIR FAMI-
19 LIES.—

20 (1) IN GENERAL.—The Secretary of Homeland
21 Security may grant a petition for special immigrant
22 classification to an alien described in paragraph (2)
23 (and the spouse and children of such alien) if the
24 alien files a petition for special immigrant status
25 under section 204 of the Immigration and Nation-

1 ality Act (8 U.S.C. 1154) for classification under
2 section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).

3 (2) ALIENS DESCRIBED.—An alien is described
4 in this paragraph if, during the period beginning on
5 the date that the COVID–19 public health emer-
6 gency was declared by the Secretary of Health and
7 Human Services under section 319 of the Public
8 Health Service Act (42 U.S.C. 247d) and ending
9 180 days after the termination of such emergency,
10 the alien was—

11 (A) authorized for employment in the
12 United States and maintaining a nonimmigrant
13 status; and

14 (B) engaged in the practice of medicine,
15 provision of healthcare services, or medical re-
16 search involving the diagnosis, treatment, or
17 prevention of COVID–19 disease.

18 (3) PRIORITY DATE.—Subject to paragraph (5),
19 immigrant visas under paragraph (1) shall be made
20 available to aliens in the order in which a petition
21 on behalf of each such alien is filed with the Sec-
22 retary of Homeland Security, except that an alien
23 shall maintain any priority date that was assigned
24 with respect to an immigrant visa petition or appli-

1 cation for labor certification that was previously filed
2 on behalf of such alien.

3 (4) PROTECTIONS FOR SURVIVING SPOUSES
4 AND CHILDREN.—

5 (A) SURVIVING SPOUSES AND CHIL-
6 DREN.—Notwithstanding the death of an alien
7 described in paragraph (2), the Secretary of
8 State may approve an application for an immi-
9 grant visa, and the Secretary of Homeland Se-
10 curity may approve an application for adjust-
11 ment of status to lawful permanent resident,
12 filed by or on behalf of a spouse or child of
13 such alien.

14 (B) AGE-OUT PROTECTION.—For purposes
15 of an application for an immigrant visa or ad-
16 justment of status filed by or on behalf of a
17 child of an alien described in paragraph (2), the
18 determination of whether the child satisfies the
19 age requirement under section 101(b)(1) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1101(b)(1)) shall be made using the age of the
22 child on the date the immigrant visa petition
23 under paragraph (1) was approved.

24 (C) CONTINUATION OF NONIMMIGRANT
25 STATUS.—A spouse or child of an alien de-

1 scribed in paragraph (2) shall be considered to
2 have maintained lawful nonimmigrant status
3 until the earlier of the date—

4 (i) on which the Secretary of Home-
5 land Security accepts for filing, an applica-
6 tion for adjustment of status based on a
7 petition described in paragraph (1); or

8 (ii) that is 2 years after the date of
9 the principal nonimmigrant's death.

10 (5) NUMERICAL LIMITATIONS.—

11 (A) IN GENERAL.—The total number of
12 principal aliens who may be provided special
13 immigrant status under this subsection may not
14 exceed 4,000 per year for each of the 3 fiscal
15 years beginning after the date of the enactment
16 of this title.

17 (B) EXCLUSION FROM NUMERICAL LIMITA-
18 TIONS.—Aliens provided special immigrant sta-
19 tus under this subsection shall not be counted
20 against any numerical limitations under section
21 201(d), 202(a), or 203(b)(4) of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1151(d),
23 1152(a), or 1153(b)(4)).

24 (C) CARRY FORWARD.—If the numerical
25 limitation specified in subparagraph (A) is not

1 reached during a given fiscal year referred to in
2 such subparagraph, the numerical limitation
3 specified in such subparagraph for the following
4 fiscal year shall be increased by a number equal
5 to the difference between—

6 (i) the numerical limitation specified
7 in subparagraph (A) for the given fiscal
8 year; and

9 (ii) the number of principal aliens pro-
10 vided special immigrant status under this
11 subsection during the given fiscal year.

12 **SEC. 191205. ICE DETENTION.**

13 (a) REVIEWING ICE DETENTION.—During the public
14 health emergency declared by the Secretary of Health and
15 Human Services under section 319 of the Public Health
16 Service Act (42 U.S.C. 247d) with respect to COVID–19,
17 the Secretary of Homeland Security shall review the immi-
18 gration files of all individuals in the custody of U.S. Immi-
19 gration and Customs Enforcement to assess the need for
20 continued detention. The Secretary of Homeland Security
21 shall prioritize for release on recognizance or alternatives
22 to detention individuals who are not subject to mandatory
23 detention laws, unless the individual is a threat to public
24 safety or national security.

1 (b) ACCESS TO ELECTRONIC COMMUNICATIONS AND
2 HYGIENE PRODUCTS.—During the period described in
3 subsection (c), the Secretary of Homeland Security shall
4 ensure that—

5 (1) all individuals in the custody of U.S. Immi-
6 gration and Customs Enforcement—

7 (A) have access to telephonic or video com-
8 munication at no cost to the detained indi-
9 vidual;

10 (B) have access to free, unmonitored tele-
11 phone calls, at any time, to contact attorneys or
12 legal service providers in a sufficiently private
13 space to protect confidentiality;

14 (C) are permitted to receive legal cor-
15 respondence by fax or email rather than postal
16 mail; and

17 (D) are provided sufficient soap, hand san-
18 itizer, and other hygiene products; and

19 (2) nonprofit organizations providing legal ori-
20 entation programming or know-your-rights program-
21 ming to individuals in the custody of U.S. Immigra-
22 tion and Customs Enforcement are permitted broad
23 and flexible access to such individuals—

24 (A) to provide group presentations using
25 remote videoconferencing; and

1 (B) to schedule and provide individual ori-
2 entations using free telephone calls or remote
3 videoconferencing.

4 (c) PERIOD DESCRIBED.—The period described in
5 this subsection—

6 (1) begins on the first day of the public health
7 emergency declared by the Secretary of Health and
8 Human Services under section 319 of the Public
9 Health Service Act (42 U.S.C. 247d) with respect to
10 COVID–19; and

11 (2) ends 90 days after the date on which such
12 public health emergency terminates.

13 **TITLE XIII—CORONAVIRUS**
14 **RELIEF FUND AMENDMENTS**

15 **SEC. 191301. CONGRESSIONAL INTENT RELATING TO TRIB-**
16 **AL GOVERNMENTS ELIGIBLE FOR**
17 **CORONAVIRUS RELIEF FUND PAYMENTS.**

18 (a) PURPOSE.—The purpose of this section and the
19 amendments made by subsection (b) is to affirm the April
20 27, 2020, memorandum and decision of the United States
21 District Court for the District of Columbia in *Confederated*
22 *Tribes of the Chehalis Reservation et al v. Mnuchin* (Case
23 No. 1:20–cv–01002) and clarify the intent of Congress
24 that only Federally recognized Tribal Governments are eli-
25 gible for payments from the Coronavirus Relief Fund es-

1 tablished in section 601 of the Social Security Act, as
2 added by section 5001(a) of the Coronavirus Aid, Relief,
3 and Economic Security Act (Public Law 116–136).

4 (b) ELIGIBLE TRIBAL GOVERNMENTS.—Effective as
5 if included in the enactment of the Coronavirus Aid, Re-
6 lief, and Economic Security Act (Public Law 116–136),
7 section 601 of the Social Security Act, as added by section
8 5001(a) of the Coronavirus Aid, Relief, and Economic Se-
9 curity Act, is amended—

10 (1) in subsection (c)(7), by striking “Indian
11 Tribes” and inserting “Tribal Governments”; and

12 (2) in subsection (g)—

13 (A) by striking paragraph (1);

14 (B) by redesignating paragraphs (2)
15 through (5) as paragraphs (1) through (4), re-
16 spectively; and

17 (C) by striking paragraph (4) (as redesi-
18 gnated by subparagraph (B)) and inserting the
19 following:

20 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
21 Government’ means the recognized governing body
22 of any Indian or Alaska Native tribe, band, nation,
23 pueblo, village, community, component band, or com-
24 ponent reservation, individually identified (including
25 parenthetically) in the list published most recently as

1 of the date of enactment of this Act pursuant to sec-
2 tion 104 of the Federally Recognized Indian Tribe
3 List Act of 1994 (25 U.S.C. 5131).”.

4 (c) RULES RELATING TO PAYMENTS MADE BEFORE
5 THE DATE OF ENACTMENT OF THIS ACT.—

6 (1) PAYMENTS MADE TO INELIGIBLE ENTI-
7 TIES.—The Secretary of the Treasury shall require
8 any entity that was not eligible to receive a payment
9 from the amount set aside for fiscal year 2020
10 under subsection (a)(2)(B) of section 601 of the So-
11 cial Security Act, as added by section 5001(a) of the
12 Coronavirus Aid, Relief, and Economic Security Act
13 (Public Law 116–136) and after the application of
14 the amendments made by subsection (a) clarifying
15 congressional intent relating to eligibility for such a
16 payment, to return the full payment to the Depart-
17 ment.

18 (2) DISTRIBUTION OF PAYMENTS RETURNED
19 BY INELIGIBLE ENTITIES.—The Secretary of the
20 Treasury shall distribute payments returned under
21 paragraph (1), without further appropriation or fis-
22 cal year limitation and not later than 7 days after
23 receiving any returned funds as required under
24 paragraph (1) to Tribal Governments eligible for
25 payments under such section 601 of the Social Secu-

1 rity Act, as amended by subsection (a), in accord-
2 ance with subsection (c)(7) of such Act.

3 (3) LIMITATION ON SECRETARIAL AUTHOR-
4 ITY.—The Secretary of the Treasury is prohibited
5 from requiring an entity that is eligible for a pay-
6 ment from the amount set aside for fiscal year 2020
7 under subsection (a)(2)(B) of section 601 of the So-
8 cial Security Act, as amended by subsection(a), and
9 that received a payment before the date of enact-
10 ment of this Act, from requiring the entity to return
11 all or part of the payment except to the extent au-
12 thorized under section 601(f) of such Act in the case
13 of a determination by the Inspector General of the
14 Department of the Treasury that the Tribal govern-
15 ment failed to comply with the use of funds require-
16 ments of section 601(d) of such Act.

17 **SEC. 191302. REDISTRIBUTION OF AMOUNTS RECOVERED**
18 **OR RECOUPED FROM PAYMENTS FOR TRIBAL**
19 **GOVERNMENTS; REPORTING REQUIRE-**
20 **MENTS.**

21 Effective as if included in the enactment of the
22 Coronavirus Aid, Relief, and Economic Security Act (Pub-
23 lic Law 116–136), section 601(c)(7) of the Social Security
24 Act, as added by section 5001(a) of the Coronavirus Aid,
25 Relief, and Economic Security Act, is amended—

1 (1) by striking “From the amount” and insert-
2 ing the following:

3 “(A) IN GENERAL.—From the amount”;

4 and

5 (2) by adding at the end the following:

6 “(B) REDISTRIBUTION OF FUNDS.—

7 “(i) REQUIREMENT.—In carrying out
8 the requirement under subparagraph (A)
9 to ensure that all amounts available under
10 subsection (a)(2)(B) for fiscal year 2020
11 are distributed to Tribal governments, the
12 Secretary shall redistribute any amounts
13 from payments for Tribal Governments
14 that are recovered through recoupment ac-
15 tivities carried out by the Inspector Gen-
16 eral of the Department of the Treasury
17 under subsection (f), without further ap-
18 propriation, using a procedure and meth-
19 odology determined by the Secretary in
20 consultation with Tribal Governments, to
21 Tribal Governments that apply for pay-
22 ments from such amounts.

23 “(ii) REPAYMENT.—In carrying out
24 the recoupment activities by the Inspector
25 General of the Department of the Treasury

1 under subsection (f), Treasury shall not
2 impose any additional fees, penalties, or in-
3 terest payments on Tribal Governments as-
4 sociated with any amounts that are recov-
5 ered.

6 “(C) DISCLOSURE AND REPORTING RE-
7 QUIREMENTS.—

8 “(i) DISCLOSURE OF FUNDING FOR-
9 MULA AND METHODOLOGY.—Not later
10 than 24 hours before any payments for
11 Tribal Governments are distributed by the
12 Secretary pursuant to the requirements
13 under subparagraph (A) and subparagraph
14 (B), the Secretary shall publish on the
15 website of the Department of the Treas-
16 ury—

17 “(I) a detailed description of the
18 funding allocation formula; and

19 “(II) a detailed description of the
20 procedure and methodology used to
21 determine the funding allocation for-
22 mula.

23 “(ii) REPORT TO CONGRESS.—No
24 later than 7 days after payments for Tribal
25 Governments are distributed by the Sec-

1 retary pursuant to the requirements under
2 subparagraph (A) or subparagraph (B),
3 the Secretary shall submit to the Commit-
4 tees on Appropriations of the House of
5 Representatives and the Senate, the Chair
6 and Ranking Members of the House Com-
7 mittee on Natural Resources and the Chair
8 and Vice-Chair of the Senate Committee
9 on Indian Affairs a report summarizing—

10 “(I) an overview of actions taken
11 by the Secretary in carrying out the
12 requirements under subparagraph (A)
13 and subparagraph (B); and

14 “(II) the date and amount of all
15 fund disbursements, broken down by
16 individual Tribal Government recipi-
17 ents.”.

18 **SEC. 191303. USE OF RELIEF FUNDS.**

19 Effective as if included in the Coronavirus, Aid, Re-
20 lief, and Economic Security Act (Public Law 116–136),
21 section 601 of the Social Security Act, as added by section
22 5001(a) of such Act, is amended by striking subsection
23 (d) and inserting the following:

1 “(d) USE OF FUNDS.—A State, Tribal government,
2 and unit of local government shall use the funds provided
3 under a payment made under this section to

4 “(1) cover only those costs of the State, Tribal
5 government, or unit of local government that—

6 “(A) Are necessary expenditures incurred
7 due to the public health emergency with respect
8 to the coronavirus disease 2019 (COVID–19);

9 “(B) were not accounted for in the budget
10 most recently approved as of the date of enact-
11 ment of this section for the State or govern-
12 ment; and

13 “(C) were incurred during the period that
14 begins on January 31, 2020, and ends on De-
15 cember 31, 2020; or

16 “(2) Replace lost, delayed, or decreased reve-
17 nues, stemming from the public health emergency
18 with respect to the coronavirus disease (COVID–
19 19).”.

20 **TITLE XIV—RURAL DIGITAL** 21 **OPPORTUNITY**

22 **SEC. 191401. ACCELERATION OF RURAL DIGITAL OPPOR-** 23 **TUNITY FUND PHASE I AUCTION.**

24 With respect to the Rural Digital Opportunity Fund
25 Phase I auction (in this section referred to as the “auc-

tion”) provided for in the Report and Order in the matter of Rural Digital Opportunity Fund and Connect America Fund adopted by the Federal Communications Commission (in this section referred to as the “Commission”) on January 30, 2020 (FCC 20–5), the Commission shall modify the framework for the auction adopted in such Report and Order as follows:

(1) The Commission shall begin accepting long-form applications before the auction, not later than the earlier of the date that is 30 days after the date on which the Commission begins accepting short-form applications or July 31, 2020, from such applicants as are willing to commit to the schedule described in paragraph (3)(B) for deployment of networks capable of providing symmetrical Gigabit performance service.

(2) If the long-form applications accepted pursuant to paragraph (1) indicate that, for any census block or census block group identified in the Preliminary List of Eligible Areas released by the Commission on March 17, 2020, there is only 1 qualified applicant willing to commit to provide symmetrical Gigabit performance service pursuant to the schedule described in paragraph (3)(B), the Commission

1 shall, not later than the earlier of September 30,
2 2020, or 30 days before the start of the auction—

3 (A) award to such applicant Rural Digital
4 Opportunity Fund Phase I support for such
5 census block or census block group, at 100 per-
6 cent of the reserve price (in this paragraph re-
7 ferred to as the “award”);

8 (B) remove such census block or census
9 block group from the auction; and

10 (C) reduce the budget for the auction by
11 75 percent of the amount of the award and re-
12 duce the budget for the Rural Digital Oppor-
13 tunity Fund Phase II auction provided for in
14 such Report and Order by 25 percent of the
15 amount of the award.

16 (3) The Commission shall require an applicant
17 submitting a long-form application pursuant to para-
18 graph (1) to—

19 (A) not later than 30 days after the date
20 on which such applicant submits such long-form
21 application, provide a letter of commitment
22 from a bank meeting the Commission’s eligi-
23 bility requirements stating that the bank would
24 provide a letter of credit to such applicant if

1 such applicant becomes a winning bidder and is
2 awarded support; and

3 (B) commit to—

4 (i) begin construction not later than 6
5 months following funding authorization;
6 and

7 (ii) begin to make service available not
8 later than 1 year following funding author-
9 ization.

10 (4) If an applicant to which an award of sup-
11 port has been made under paragraph (2)(A) for a
12 census block or census block group fails to meet the
13 requirements of paragraph (3) with respect to such
14 award of support, the Commission shall revoke such
15 award of support and include such census block or
16 census block group for competitive bidding in the
17 Rural Digital Opportunity Fund Phase II auction
18 provided for in such Report and Order.

19 (5) The Commission shall require an applicant
20 to which an award of support has been made under
21 paragraph (2)(A) to meet the deployment schedule
22 to which the applicant committed under paragraph
23 (3)(B).

1 **SEC. 191402. ENSURING THE FCC CREATES ACCURATE**
2 **SERVICE MAPS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Title
4 VIII of the Communications Act of 1934 (47 U.S.C. 641
5 et seq.) is amended by adding at the end the following:

6 **“SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

7 “There is authorized to be appropriated to the Com-
8 mission to carry out this title—

9 “(1) \$25,000,000 for fiscal year 2020; and

10 “(2) \$9,000,000 for each of the fiscal years
11 2021 through 2027.”.

12 (b) DEADLINE FOR CREATION OF MAPS.—Section
13 802(c)(1) of the Communications Act of 1934 (47 U.S.C.
14 642(c)(1)) is amended by striking “create” and inserting
15 “create, not later than October 1, 2020”.

16 **TITLE XV—FOREIGN AFFAIRS**
17 **PROVISIONS**

18 **Subtitle A—Matters Relating to the**
19 **Department of State**

20 **SEC. 191501. MITIGATION PLAN TO ASSIST FEDERAL VOT-**
21 **ERS OVERSEAS IMPACTED BY COVID-19.**

22 (a) IN GENERAL.—Not later than 60 days after the
23 date of the enactment of this Act, the Secretary of State,
24 in consultation with the Secretary of Defense, shall submit
25 to the appropriate congressional committees a plan to
26 mitigate the effects of limited or curtailed diplomatic

1 pouch capacities or other operations constraints at United
2 States diplomatic and consular posts, due to coronavirus,
3 on overseas voters (as such term is defined in section
4 107(5) of the Uniformed and Overseas Citizens Absentee
5 Voting Act (52 U.S.C. 20310(5))) seeking to return ab-
6 sentee ballots and other balloting materials under such
7 Act with respect to elections for Federal office held in
8 2020. Such plan shall include steps to—

9 (1) restore or augment diplomatic pouch capaci-
10 ties;

11 (2) facilitate using the Army Post Office, Fleet
12 Post Office, the United States mails, or private
13 couriers, if available;

14 (3) mitigate other operations constraints affect-
15 ing eligible overseas voters; and

16 (4) develop specific outreach plans to educate
17 eligible overseas voters about accessing all available
18 forms of voter assistance prior to the date of the
19 regularly scheduled general election for Federal of-
20 fice.

21 (b) REPORT ON EFFORTS TO ASSIST AND INFORM
22 FEDERAL VOTERS OVERSEAS.—Not later than 90 days
23 before the date of the regularly scheduled general election
24 for Federal office held in November 2020, the Secretary
25 of State, in consultation with the Secretary of Defense,

1 shall report to the appropriate congressional committees
2 on the implementation of efforts to carry out the plan sub-
3 mitted pursuant to subsection (a).

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Foreign Affairs and the
8 Committee on Armed Services of the House of Rep-
9 resentatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Armed Services of the Senate.

12 **SEC. 191502. REPORT ON EFFORTS OF THE CORONAVIRUS**
13 **REPATRIATION TASK FORCE.**

14 (a) IN GENERAL.—Not later than the date specified
15 in subsection (b), the Secretary of State shall submit to
16 the Committee on Foreign Affairs of the House of Rep-
17 resentatives and the Committee on Foreign Relations of
18 the Senate a report evaluating the efforts of the
19 Coronavirus Repatriation Task Force of the Department
20 of State to repatriate United States citizens and legal per-
21 manent residents in response to the 2020 coronavirus out-
22 break. The report shall identify—

23 (1) the most significant impediments to repa-
24 triating such persons;

1 (2) the lessons learned from such repatriations;
2 and

3 (3) any changes planned to future repatriation
4 efforts of the Department of State to incorporate
5 such lessons learned.

6 (b) DEADLINE.—The date specified in this subsection
7 is the earlier of—

8 (1) the date that is 90 days after the date on
9 which the Coronavirus Repatriation Task Force of
10 the Department of State is disbanded; or

11 (2) September 30, 2020.

12 **Subtitle B—Global Health Security**
13 **Act of 2020**

14 **SEC. 191503. SHORT TITLE.**

15 This subtitle may be cited as the “Global Health Se-
16 curity Act of 2020”.

17 **SEC. 191504. FINDINGS.**

18 Congress finds the following:

19 (1) In December 2009, President Obama re-
20 leased the National Strategy for Countering Biologi-
21 cal Threats, which listed as one of seven objectives
22 “Promote global health security: Increase the avail-
23 ability of and access to knowledge and products of
24 the life sciences that can help reduce the impact

1 from outbreaks of infectious disease whether of nat-
2 ural, accidental, or deliberate origin”.

3 (2) In February 2014, the United States and
4 nearly 30 other nations launched the Global Health
5 Security Agenda (GHSA) to address several high-
6 priority, global infectious disease threats. The
7 GHSA is a multi-faceted, multi-country initiative in-
8 tended to accelerate partner countries’ measurable
9 capabilities to achieve specific targets to prevent, de-
10 tect, and respond to infectious disease threats,
11 whether naturally occurring, deliberate, or acci-
12 dental.

13 (3) In 2015, the United Nations adopted the
14 Sustainable Development Goals (SDGs), which in-
15 clude specific reference to the importance of global
16 health security as part of SDG 3 “ensure healthy
17 lives and promote well-being for all at all ages” as
18 follows: “strengthen the capacity of all countries, in
19 particular developing countries, for early warning,
20 risk reduction and management of national and
21 global health risks”.

22 (4) On November 4, 2016, President Obama
23 signed Executive Order 13747, “Advancing the
24 Global Health Security Agenda to Achieve a World
25 Safe and Secure from Infectious Disease Threats”.

1 (5) In October 2017 at the GHSA Ministerial
2 Meeting in Uganda, the United States and more
3 than 40 GHSA member countries supported the
4 “Kampala Declaration” to extend the GHSA for an
5 additional 5 years to 2024.

6 (6) In December 2017, President Trump re-
7 leased the National Security Strategy, which in-
8 cludes the priority action: “Detect and contain bio-
9 threats at their source: We will work with other
10 countries to detect and mitigate outbreaks early to
11 prevent the spread of disease. We will encourage
12 other countries to invest in basic health care systems
13 and to strengthen global health security across the
14 intersection of human and animal health to prevent
15 infectious disease outbreaks”.

16 (7) In September 2018, President Trump re-
17 leased the National Biodefense Strategy, which in-
18 cludes objectives to “strengthen global health secu-
19 rity capacities to prevent local bioincidents from be-
20 coming epidemics”, and “strengthen international
21 preparedness to support international response and
22 recovery capabilities”.

23 **SEC. 191505. STATEMENT OF POLICY.**

24 It is the policy of the United States to—

1 (1) promote global health security as a core na-
2 tional security interest;

3 (2) advance the aims of the Global Health Se-
4 curity Agenda;

5 (3) collaborate with other countries to detect
6 and mitigate outbreaks early to prevent the spread
7 of disease;

8 (4) encourage other countries to invest in basic
9 resilient and sustainable health care systems; and

10 (5) strengthen global health security across the
11 intersection of human and animal health to prevent
12 infectious disease outbreaks and combat the growing
13 threat of antimicrobial resistance.

14 **SEC. 191506. GLOBAL HEALTH SECURITY AGENDA INTER-**
15 **AGENCY REVIEW COUNCIL.**

16 (a) **ESTABLISHMENT.**—The President shall establish
17 a Global Health Security Agenda Interagency Review
18 Council (in this section referred to as the “Council”) to
19 perform the general responsibilities described in sub-
20 section (c) and the specific roles and responsibilities de-
21 scribed in subsection (e).

22 (b) **MEETINGS.**—The Council shall meet not less than
23 four times per year to advance its mission and fulfill its
24 responsibilities.

1 (c) GENERAL RESPONSIBILITIES.—The Council shall
2 be responsible for the following activities:

3 (1) Provide policy-level recommendations to
4 participating agencies on Global Health Security
5 Agenda (GHSA) goals, objectives, and implementa-
6 tion.

7 (2) Facilitate interagency, multi-sectoral en-
8 gagement to carry out GHSA implementation.

9 (3) Provide a forum for raising and working to
10 resolve interagency disagreements concerning the
11 GHSA.

12 (4)(A) Review the progress toward and work to
13 resolve challenges in achieving United States com-
14 mitments under the GHSA, including commitments
15 to assist other countries in achieving the GHSA tar-
16 gets.

17 (B) The Council shall consider, among other
18 issues, the following:

19 (i) The status of United States financial
20 commitments to the GHSA in the context of
21 commitments by other donors, and the con-
22 tributions of partner countries to achieve the
23 GHSA targets.

24 (ii) The progress toward the milestones
25 outlined in GHSA national plans for those

1 countries where the United States Government
2 has committed to assist in implementing the
3 GHSA and in annual work-plans outlining
4 agency priorities for implementing the GHSA.

5 (iii) The external evaluations of United
6 States and partner country capabilities to ad-
7 dress infectious disease threats, including the
8 ability to achieve the targets outlined within the
9 WHO Joint External Evaluation (JEE) tool, as
10 well as gaps identified by such external evalua-
11 tions.

12 (d) PARTICIPATION.—The Council shall consist of
13 representatives, serving at the Assistant Secretary level or
14 higher, from the following agencies:

15 (1) The Department of State.

16 (2) The Department of Defense.

17 (3) The Department of Justice.

18 (4) The Department of Agriculture.

19 (5) The Department of Health and Human
20 Services.

21 (6) The Department of Labor.

22 (7) The Department of Homeland Security.

23 (8) The Office of Management and Budget.

24 (9) The United States Agency for International
25 Development.

1 (10) The Environmental Protection Agency.

2 (11) The Centers for Disease Control and Pre-
3 vention.

4 (12) The Office of Science and Technology Pol-
5 icy.

6 (13) The National Institutes of Health.

7 (14) The National Institute of Allergy and In-
8 fectious Diseases.

9 (15) Such other agencies as the Council deter-
10 mines to be appropriate.

11 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—

12 (1) IN GENERAL.—The heads of agencies de-
13 scribed in subsection (d) shall—

14 (A) make the GHSA and its implementa-
15 tion a high priority within their respective agen-
16 cies, and include GHSA-related activities within
17 their respective agencies' strategic planning and
18 budget processes;

19 (B) designate a senior-level official to be
20 responsible for the implementation of this Act;

21 (C) designate, in accordance with sub-
22 section (d), an appropriate representative at the
23 Assistant Secretary level or higher to partici-
24 pate on the Council;

1 (D) keep the Council apprised of GHSA-
2 related activities undertaken within their re-
3 spective agencies;

4 (E) maintain responsibility for agency-re-
5 lated programmatic functions in coordination
6 with host governments, country teams, and
7 GHSA in-country teams, and in conjunction
8 with other relevant agencies;

9 (F) coordinate with other agencies that are
10 identified in this section to satisfy pro-
11 grammatic goals, and further facilitate coordi-
12 nation of country teams, implementers, and do-
13 nors in host countries; and

14 (G) coordinate across GHSA national
15 plans and with GHSA partners to which the
16 United States is providing assistance.

17 (2) ADDITIONAL ROLES AND RESPONSIBIL-
18 ITIES.—In addition to the roles and responsibilities
19 described in paragraph (1), the heads of agencies de-
20 scribed in subsection (d) shall carry out their respec-
21 tive roles and responsibilities described in sub-
22 sections (b) through (i) of section 3 of Executive
23 Order 13747 (81 Fed. Reg. 78701; relating to Ad-
24 vancing the Global Health Security Agenda to
25 Achieve a World Safe and Secure from Infectious

1 Disease Threats), as in effect on the day before the
2 date of the enactment of this Act.

3 **SEC. 191507. UNITED STATES COORDINATOR FOR GLOBAL**
4 **HEALTH SECURITY.**

5 (a) IN GENERAL.—The President shall appoint an in-
6 dividual to the position of United States Coordinator for
7 Global Health Security, who shall be responsible for the
8 coordination of the interagency process for responding to
9 global health security emergencies. As appropriate, the
10 designee shall coordinate with the President’s Special Co-
11 ordinator for International Disaster Assistance.

12 (b) CONGRESSIONAL BRIEFING.—Not less frequently
13 than twice each year, the employee designated under this
14 section shall provide to the appropriate congressional com-
15 mittees a briefing on the responsibilities and activities of
16 the individual under this section.

17 **SEC. 191508. SENSE OF CONGRESS.**

18 It is the sense of the Congress that, given the complex
19 and multisectoral nature of global health threats to the
20 United States, the President—

21 (1) should consider appointing an individual
22 with significant background and expertise in public
23 health or emergency response management to the
24 position of United States Coordinator for Global
25 Health Security, as required by [section

1 191505(a)】, who is an employee of the National Se-
2 curity Council at the level of Deputy Assistant to the
3 President or higher; and

4 (2) in providing assistance to implement the
5 strategy required under 【section 191507(a)】,
6 should—

7 (A) coordinate, through a whole-of-govern-
8 ment approach, the efforts of relevant Federal
9 departments and agencies to implement the
10 strategy;

11 (B) seek to fully utilize the unique capa-
12 bilities of each relevant Federal department and
13 agency while collaborating with and leveraging
14 the contributions of other key stakeholders; and

15 (C) utilize open and streamlined sollicita-
16 tions to allow for the participation of a wide
17 range of implementing partners through the
18 most appropriate procurement mechanisms,
19 which may include grants, contracts, coopera-
20 tive agreements, and other instruments as nec-
21 essary and appropriate.

22 **SEC. 191509. STRATEGY AND REPORTS.**

23 (a) STRATEGY.—The United States Coordinator for
24 Global Health Security (appointed under 【section
25 191505(a)】) shall coordinate the development and imple-

1 mentation of a strategy to implement the policy aims de-
2 scribed in **section 191503**, which shall—

3 (1) set specific and measurable goals, bench-
4 marks, timetables, performance metrics, and moni-
5 toring and evaluation plans that reflect international
6 best practices relating to transparency, account-
7 ability, and global health security;

8 (2) support and be aligned with country-owned
9 global health security policy and investment plans
10 developed with input from key stakeholders, as ap-
11 propriate;

12 (3) facilitate communication and collaboration,
13 as appropriate, among local stakeholders in support
14 of a multi-sectoral approach to global health secu-
15 rity;

16 (4) support the long-term success of programs
17 by building the capacity of local organizations and
18 institutions in target countries and communities;

19 (5) develop community resilience to infectious
20 disease threats and emergencies;

21 (6) leverage resources and expertise through
22 partnerships with the private sector, health organi-
23 zations, civil society, nongovernmental organizations,
24 and health research and academic institutions; and

1 (7) support collaboration, as appropriate, be-
2 tween United States universities, and public and pri-
3 vate institutions in target countries and communities
4 to promote health security and innovation.

5 (b) COORDINATION.—The President, acting through
6 the United States Coordinator for Global Health Security,
7 shall coordinate, through a whole-of-government approach,
8 the efforts of relevant Federal departments and agencies
9 in the implementation of the strategy required under sub-
10 section (a) by—

11 (1) establishing monitoring and evaluation sys-
12 tems, coherence, and coordination across relevant
13 Federal departments and agencies; and

14 (2) establishing platforms for regular consulta-
15 tion and collaboration with key stakeholders and the
16 appropriate congressional committees.

17 (c) STRATEGY SUBMISSION.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the
20 President, in consultation with the head of each rel-
21 evant Federal department and agency, shall submit
22 to the appropriate congressional committees the
23 strategy required under subsection (a) that provides
24 a detailed description of how the United States in-
25 tends to advance the policy set forth in [section

1 191503】 and the agency-specific plans described in
2 paragraph (2).

3 (2) AGENCY-SPECIFIC PLANS.—The strategy re-
4 quired under subsection (a) shall include specific im-
5 plementation plans from each relevant Federal de-
6 partment and agency that describes—

7 (A) the anticipated contributions of the de-
8 partment or agency, including technical, finan-
9 cial, and in-kind contributions, to implement
10 the strategy; and

11 (B) the efforts of the department or agen-
12 cy to ensure that the activities and programs
13 carried out pursuant to the strategy are de-
14 signed to achieve maximum impact and long-
15 term sustainability.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date on which the strategy required under sub-
19 section (a) is submitted to the appropriate congress-
20 sional committees under subsection (c), and not later
21 than October 1 of each year thereafter, the Presi-
22 dent shall submit to the appropriate congressional
23 committees a report that describes the status of the
24 implementation of the strategy.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall—

3 (A) identify any substantial changes made
4 in the strategy during the preceding calendar
5 year;

6 (B) describe the progress made in imple-
7 menting the strategy;

8 (C) identify the indicators used to establish
9 benchmarks and measure results over time, as
10 well as the mechanisms for reporting such re-
11 sults in an open and transparent manner;

12 (D) contain a transparent, open, and de-
13 tailed accounting of expenditures by relevant
14 Federal departments and agencies to implement
15 the strategy, including, to the extent prac-
16 ticable, for each Federal department and agen-
17 cy, the statutory source of expenditures,
18 amounts expended, partners, targeted popu-
19 lations, and types of activities supported;

20 (E) describe how the strategy leverages
21 other United States global health and develop-
22 ment assistance programs;

23 (F) assess efforts to coordinate United
24 States global health security programs, activi-
25 ties, and initiatives with key stakeholders;

1 (G) incorporate a plan for regularly review-
2 ing and updating strategies, partnerships, and
3 programs and sharing lessons learned with a
4 wide range of stakeholders, including key stake-
5 holders, in an open, transparent manner; and

6 (H) describe the progress achieved and
7 challenges concerning the United States Gov-
8 ernment's ability to advance the Global Health
9 Security Agenda across priority countries, in-
10 cluding data disaggregated by priority country
11 using indicators that are consistent on a year-
12 to-year basis and recommendations to resolve,
13 mitigate, or otherwise address the challenges
14 identified therein.

15 (e) FORM.—The strategy required under subsection
16 (a) and the report required under subsection (d) shall be
17 submitted in unclassified form but may contain a classi-
18 fied annex.

19 **SEC. 191510. COMPLIANCE WITH THE FOREIGN AID TRANS-**
20 **PARENCY AND ACCOUNTABILITY ACT OF**
21 **2016.**

22 Section 2(3) of the Foreign Aid Transparency and
23 Accountability Act of 2016 (Public Law 114–191; 22
24 U.S.C. 2394c note) is amended—

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

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

5 (3) by adding at the end the following:

6 “(E) the Global Health Security Act of
7 2020.”.

8 **SEC. 191511. DEFINITIONS.**

9 In this subtitle:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Appropriations of the House
15 of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Appropriations of the
18 Senate.

19 (2) GLOBAL HEALTH SECURITY.—The term
20 “global health security” means activities supporting
21 epidemic and pandemic preparedness and capabili-
22 ties at the country and global levels in order to mini-
23 mize vulnerability to acute public health events that
24 can endanger the health of populations across geo-
25 graphical regions and international boundaries.

1 **SEC. 191512. SUNSET.**

2 This subtitle (other than section 191507), and the
3 amendments made by this subtitle, shall cease to be effec-
4 tive on December 31, 2024.

5 **Subtitle C—Securing America**
6 **From Epidemics Act**

7 **SEC. 191513. FINDINGS.**

8 Congress finds the following:

9 (1) Due to increasing population and popu-
10 lation density, human mobility, and ecological
11 change, emerging infectious diseases pose a real and
12 growing threat to global health security.

13 (2) While vaccines can be the most effective
14 tools to protect against infectious disease, the ab-
15 sence of vaccines for a new or emerging infectious
16 disease with epidemic potential is a major health se-
17 curity threat globally, posing catastrophic potential
18 human and economic costs.

19 (3) The 1918 influenza pandemic infected
20 500,000,000 people, or about one-third of the
21 world's population at the time, and killed
22 50,000,000 people—more than died in the First
23 World War.

24 (4) The economic cost of an outbreak can be
25 devastating. The estimated global cost today, should
26 an outbreak of the scale of the 1918 influenza pan-

1 demic strike, is 5 percent of global gross domestic
2 product.

3 (5) Even regional outbreaks can have enormous
4 human costs and substantially disrupt the global
5 economy and cripple regional economies. The 2014
6 Ebola outbreak in West Africa killed more than
7 11,000 and cost \$2,800,000,000 in losses in the af-
8 fected countries alone.

9 (6) The ongoing novel coronavirus outbreak re-
10 flects the pressing need for quick and effective vac-
11 cine and countermeasure development.

12 (7) While the need for vaccines to address
13 emerging epidemic threats is acute, markets to drive
14 the necessary development of vaccines to address
15 them—a complex and expensive undertaking—are
16 very often critically absent. Also absent are mecha-
17 nisms to ensure access to those vaccines by those
18 who need them when they need them.

19 (8) To address this global vulnerability and the
20 deficit of political commitment, institutional capac-
21 ity, and funding, in 2017, several countries and pri-
22 vate partners launched the Coalition for Epidemic
23 Preparedness Innovations (CEPI). CEPI's mission
24 is to stimulate, finance, and coordinate development
25 of vaccines for high-priority, epidemic-potential

1 threats in cases where traditional markets do not
2 exist or cannot create sufficient demand.

3 (9) Through funding of partnerships, CEPI
4 seeks to bring priority vaccines candidates through
5 the end of phase II clinical trials, as well as support
6 vaccine platforms that can be rapidly deployed
7 against emerging pathogens.

8 (10) CEPI has funded multiple partners to de-
9 velop vaccine candidates against the novel
10 coronavirus, responding to this urgent, global re-
11 quirement.

12 (11) Support for and participation in CEPI is
13 an important part of the United States own health
14 security and biodefense and is in the national inter-
15 est, complementing the work of many Federal agen-
16 cies and providing significant value through global
17 partnership and burden-sharing.

18 **SEC. 191514. AUTHORIZATION FOR UNITED STATES PAR-**
19 **TICIPATION.**

20 (a) IN GENERAL.—The United States is hereby au-
21 thorized to participate in the Coalition for Epidemic Pre-
22 paredness Innovations.

23 (b) PRIVILEGES AND IMMUNITIES.—The Coalition
24 for Epidemic Preparedness Innovations shall be consid-
25 ered a public international organization for purposes of

1 section 1 of the International Organizations Immunities
2 Act (22 U.S.C. 288).

3 (c) REPORTS TO CONGRESS.—Not later than 180
4 days after the date of the enactment of this Act, the Presi-
5 dent shall submit to the appropriate congressional com-
6 mittees a report that includes the following:

7 (1) The United States planned contributions to
8 the Coalition for Epidemic Preparedness Innovations
9 and the mechanisms for United States participation
10 in such Coalition.

11 (2) The manner and extent to which the United
12 States shall participate in the governance of the Co-
13 alition.

14 (3) How participation in the Coalition supports
15 relevant United States Government strategies and
16 programs in health security and biodefense, to in-
17 clude—

18 (A) the Global Health Security Strategy
19 required by section 7058(c)(3) of division K of
20 the Consolidated Appropriations Act, 2018
21 (Public Law 115–141);

22 (B) the applicable revision of the National
23 Biodefense Strategy required by section 1086 of
24 the National Defense Authorization Act for Fis-
25 cal Year 2017 (6 U.S.C. 104); and

1 (C) any other relevant decision-making
2 process for policy, planning, and spending in
3 global health security, biodefense, or vaccine
4 and medical countermeasures research and de-
5 velopment.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

7 In this section, the term “appropriate congressional com-
8 mittees” means—

9 (1) the Committee on Foreign Affairs and the
10 Committee on Appropriations of the House of Rep-
11 resentatives; and

12 (2) the Committee on Foreign Relations and
13 the Committee on Appropriations of the Senate.

14 **Subtitle D—Other Matters**

15 **SEC. 191515. AUTHORIZATION TO EXTEND MILLENNIUM** 16 **CHALLENGE COMPACTS.**

17 Notwithstanding the limitation in section 609(j) the
18 Millennium Challenge Act of 2003 (22 U.S.C. 7708), the
19 Millennium Challenge Corporation may extend any com-
20 pact in effect as of January 29, 2020, for up to one addi-
21 tional year to account for delays related to the spread of
22 coronavirus, if the Corporation provides to the Committee
23 on Foreign Affairs of the House of Representatives and
24 the Committee on Foreign Relations of the Senate a jus-
25 tification prior to providing any such extension.

1 **DIVISION T—ADDITIONAL**
2 **OTHER MATTERS**

3 **SEC. 200001. APPLICATION OF LAW.**

4 Notwithstanding any other provision of law, the pro-
5 hibition under section 213 of the Public Works and Eco-
6 nomic Development Act of 1965 (42 U.S.C. 3153) shall
7 not apply with respect to applications for grants made
8 under this Act or Public Law 116–136.

9 **SEC. 200002. DISASTER RECOVERY OFFICE.**

10 (a) IN GENERAL.—Section 601(d)(2) of the Public
11 Works and Economic Development Act of 1965 (42
12 U.S.C. 3211(d)(2)) is amended—

13 (1) by striking “(2) RELEASE.—” and inserting
14 the following:

15 “(2) RELEASE.—

16 “(A) IN GENERAL.—”; and

17 (2) by adding at the end the following:

18 “(B) REVOLVING LOAN FUND PROGRAM.—

19 The Secretary may release, subject to terms
20 and conditions the Secretary determines appro-
21 priate, the Federal Government’s interest in
22 connection with a grant under section 209(d)
23 not less than 7 years after final disbursement
24 of the grant, if—

1 “(i) the recipient has carried out the
2 terms of the award in a satisfactory man-
3 ner;

4 “(ii) any proceeds realized from the
5 release of the Federal Government’s inter-
6 est will be used for one or more activities
7 that continue to carry out the economic de-
8 velopment purposes of this Act; and

9 “(iii) the recipient shall provide ade-
10 quate assurance to the Secretary that at
11 all times after release of the Federal Gov-
12 ernment’s interest in connection with the
13 grant, the recipient will be responsible for
14 continued compliance with the require-
15 ments of section 602 in the same manner
16 it was responsible prior to release of the
17 Federal Government’s interest and that
18 the recipient’s failure to comply shall result
19 in the Secretary taking appropriate action,
20 including, but not limited to, rescission of
21 the release and recovery of the Federal
22 share of the grant.”.

23 (b) OFFICE OF DISASTER RECOVERY.—Title V of the
24 Public Works and Economic Development Act of 1965 (42

1 U.S.C. 3191 et seq.) is amended by adding at the end
2 the following:

3 **“SEC. 508. OFFICE OF DISASTER RECOVERY.**

4 “(a) IN GENERAL.—The Secretary shall create an
5 Office of Disaster Recovery to direct and implement the
6 Agency’s post-disaster economic recovery responsibilities
7 pursuant to sections 209(e)(2) and 703.

8 “(b) AUTHORIZATION.—The Secretary is authorized
9 to appoint and fix the compensation of such temporary
10 personnel as may be necessary to implement disaster re-
11 covery measures, without regard to the provisions of title
12 5, United States Code, governing appointments in the
13 competitive service.”.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 for the Public Works and Economic Development Act of
16 1965 is amended by inserting after the item relating to
17 section 507 the following new item:

“Sec. 508. Office of Disaster Recovery.”.

18 **SEC. 200003. APPLICATION OF BUY AMERICAN.**

19 Chapter 83 of title 41, United States Code, shall not
20 apply with respect to purchases made in response to the
21 emergency declared by the President on March 13, 2020,
22 under section 501 of the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C. 5191) and
24 under any subsequent major disaster declaration under

1 section 401 of such Act that supersedes such emergency
2 declaration.

3 **SEC. 200004. PREMIUM PAY AUTHORITY.**

4 (a) IN GENERAL.—If services performed during cal-
5 endar year 2020 or 2021 are determined by the head of
6 the agency to be primarily related to response or recovery
7 operations arising out of an emergency or major disaster
8 declared pursuant to the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5121 et
10 seq.), any premium pay that is funded, either directly or
11 through reimbursement, by the Federal Emergency Man-
12 agement Agency shall be exempted from the aggregate of
13 basic pay and premium pay calculated under section
14 5547(a) of title 5, United States Code, and any other pro-
15 vision of law limiting the aggregate amount of premium
16 pay payable on a biweekly or calendar year basis.

17 (b) OVERTIME AUTHORITY.—Any overtime that is
18 funded for such services described in subsection (a), either
19 directly or through reimbursement, by the Federal Emer-
20 gency Management Agency shall be exempted from any
21 annual limit on the amount of overtime payable in a cal-
22 endar or fiscal year.

23 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
24 PAY.—In determining whether an employee's pay exceeds
25 the applicable annual rate of basic pay payable under sec-

1 tion 5307 of title 5, United States Code, the head of an
2 Executive agency shall not include pay exempted under
3 this section.

4 (d) **LIMITATION OF PAY AUTHORITY.**—Pay exempted
5 from otherwise applicable limits under subsection (a) shall
6 not cause the aggregate pay earned for the calendar year
7 in which the exempted pay is earned to exceed the rate
8 of basic pay payable for a position at level II of the Execu-
9 tive Schedule under section 5313 of title 5, United States
10 Code.

11 (e) **EFFECTIVE DATE.**—This section shall take effect
12 as if enacted on January 1, 2020.

13 **SEC. 200005. COST SHARE.**

14 Assistance provided under the emergency declaration
15 issued by the President on March 13, 2020, pursuant to
16 section 501(b) of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5191(b)), and
18 under any subsequent major disaster declaration under
19 section 401 of such Act (42 U.S.C. 5170) that supersedes
20 such emergency declaration, shall be at a 100 percent
21 Federal cost share.

22 **SEC. 200006. CLARIFICATION OF ASSISTANCE.**

23 (a) **IN GENERAL.**—For the emergency declared on
24 March 13, 2020 by the President under section 501 of
25 the Robert T. Stafford Disaster Relief and Emergency As-

1 assistance Act (42 U.S.C. 5191), the President may provide
2 assistance for activities, costs, and purchases of States or
3 local governments or the owners or operators of eligible
4 private nonprofit organizations, including—

5 (1) activities eligible for assistance under sec-
6 tions 301, 415, 416, and 426 of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5141, 5182, 5183, 5189d);

9 (2) backfill costs for first responders and other
10 essential employees who are ill or quarantined;

11 (3) increased operating costs for essential gov-
12 ernment services due to such emergency, including
13 costs for implementing continuity plans, and shel-
14 tering or housing for first responders, emergency
15 managers, health providers and other essential em-
16 ployees;

17 (4) costs of providing guidance and information
18 to the public and for call centers to disseminate such
19 guidance and information;

20 (5) costs associated with establishing and oper-
21 ating virtual services;

22 (6) costs for establishing and operating remote
23 test sites;

1 (7) training provided specifically in anticipation
2 of or in response to the event on which such emer-
3 gency declaration is predicated;

4 (8) personal protective equipment and other
5 critical supplies for first responders and other essen-
6 tial employees;

7 (9) medical equipment, regardless of whether
8 such equipment is used for emergency or inpatient
9 care;

10 (10) public health costs, including provision and
11 distribution of medicine and medical supplies;

12 (11) costs associated with maintaining alternate
13 care facilities or related facilities currently inactive
14 but related to future needs tied to the ongoing pan-
15 demic event;

16 (12) costs of establishing and operating shelters
17 and providing services, including transportation, that
18 help alleviate the need of individuals for shelter, in-
19 cluding individuals transitioning out of detention;
20 and

21 (13) costs of procuring and distributing food to
22 individuals affected by the pandemic through net-
23 works established by State, local, or Tribal govern-
24 ments or other organizations, including restaurants

1 and farms, and for the purchase of food directly
2 from food producers and farmers.

3 (b) APPLICATION TO SUBSEQUENT MAJOR DIS-
4 ASTER.—The activities described in subsection (a) may
5 also be eligible for assistance under any major disaster de-
6 clared by the President under section 401 of such Act (42
7 U.S.C. 5170) that supersedes the emergency declaration
8 described in such subsection.

9 (c) FINANCIAL ASSISTANCE FOR FUNERAL EX-
10 PENSES.—For any emergency or major disaster described
11 in subsection (a) or subsection (b), the President shall pro-
12 vide financial assistance to an individual or household to
13 meet disaster-related funeral expenses under section
14 408(e)(1) of such Act (42 U.S.C. 5174(e)).

15 (d) ADVANCED ASSISTANCE.—In order to facilitate
16 activities under this section, the Administrator of the Fed-
17 eral Emergency Management Agency may provide assist-
18 ance in advance to an eligible applicant if a failure to do
19 so would prevent the applicant from carrying out such ac-
20 tivities.

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to make ineligible any assistance
23 that would otherwise be eligible under section 403, 408,
24 or 502 of such Act (42 U.S.C. 5170b, 5174, 5192).

1 **SEC. 200007. SAFETY UPGRADES IN GSA FACILITIES.**

2 (a) FACILITY SAFETY UPGRADES.—Not later than
3 60 days after the date of enactment of this Act, the Ad-
4 ministrator of the General Services Administration shall
5 take such actions as are necessary to prevent airborne
6 transmission of COVID–19 through air conditioning,
7 heating, ventilating, and water systems in facilities owned
8 or leased by the General Services Administration to ensure
9 safe and healthy indoor environments for Federal employ-
10 ees.

11 (b) PRIORITIES.—Any projects carried out by the Ad-
12 ministrator to carry out this section shall prioritize indoor
13 air and water environmental quality in facilities and en-
14 ergy-saving building technologies and products.

15 **SEC. 200008. NON-FEDERAL TENANTS IN GSA FACILITIES.**

16 (a) PROHIBITION ON REFERRAL TO DEBT COLLEC-
17 TION AGENCIES.—Administrator of the General Services
18 Administration may not refer any non-Federal tenants of
19 facilities owned by the Administration to a debt collection
20 agency during the national emergency declared by the
21 President under the National Emergencies Act (50 U.S.C.
22 1601 et seq.) relating to COVID–19.

23 (b) REPORT ON RENT DEFERRAL REQUESTS.—Not
24 later than 30 days after the date of enactment of this Act,
25 the Administrator of the General Services Administration
26 shall submit to Congress a report containing all requests

1 for rent deferrals related to COVID–19 from non-Federal
2 tenants of facilities owned by the Administration.

3 **SEC. 200009. TRANSIT COVID–19 REQUIREMENTS.**

4 (a) IN GENERAL.—For the duration of the national
5 emergency declared by the President under the National
6 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
7 pandemic of SARS–CoV–2 or coronavirus disease 2019
8 (COVID–19), recipients of funds under section 5307 of
9 title 49, United States Code, that serve an urbanized area
10 with a population of at least 500,000 individuals and that
11 provided a minimum of 20,000,000 unlinked passenger
12 trips in the most recent year for which data is available
13 shall—

14 (1) require each passenger to wear a mask or
15 protective face covering while on board a public
16 transportation vehicle;

17 (2) provide masks or protective face coverings,
18 gloves, and hand sanitizer and wipes with sufficient
19 alcohol content to operators, station managers, and
20 other employees or contractors whose job respon-
21 sibilities include interaction with passengers;

22 (3) ensure public transportation vehicles oper-
23 ated by such public transportation provider are
24 cleaned, disinfected, and sanitized frequently in ac-
25 cordance with Centers for Disease Control and Pre-

1 vention guidance and ensure that employees or con-
2 tractors whose job responsibilities involve such clean-
3 ing, disinfecting, or sanitizing are provided masks or
4 protective face coverings and gloves;

5 (4) ensure stations and enclosed facilities
6 owned, operated, or used by such public transpor-
7 tation provider, including facilities used for training
8 or performance of indoor maintenance, repair, or
9 overhaul work, are cleaned, disinfected, and sani-
10 tized frequently in accordance with Centers for Dis-
11 ease Control and Prevention guidance and ensure
12 that employees or contractors whose job responsibil-
13 ities include such cleaning, disinfecting, or sanitizing
14 are provided masks or other protective face cov-
15 erings and gloves; and

16 (5) establish guidelines, or adhere to applicable
17 guidelines, for notifying employees of a confirmed
18 COVID-19 diagnosis of an employee of such public
19 transportation provider.

20 (b) IMPLEMENTATION.—The implementation of the
21 requirement under subsection (a)(1) shall be carried out
22 in a manner determined by the provider of public trans-
23 portation.

24 (c) AVAILABILITY.—If a provider of public transpor-
25 tation is unable to acquire any of the items needed to com-

1 ply with paragraph (2), (3), or (4) of subsection (a) due
2 to market unavailability, such provider shall—

3 (1) prepare and make public documentation
4 demonstrating what actions have been taken to ac-
5 quire such items; and

6 (2) continue efforts to acquire such items until
7 they become available.

8 **SEC. 200010. REGULATION OF ANCHORAGE AND MOVEMENT**
9 **OF VESSELS DURING NATIONAL EMERGENCY.**

10 Section 70051 of title 46, United States Code, is
11 amended—

12 (1) in the section heading by inserting “**or**
13 **public health emergency**” after “**national**
14 **emergency**”;

15 (2) by inserting “or whenever the Secretary of
16 Health and Human Services determines a public
17 health emergency exists,” after “international rela-
18 tions of the United States”;

19 (3) by inserting “or to ensure the safety of ves-
20 sels and persons in any port and navigable water-
21 way,” after “harbor or waters of the United States”;

22 (4) by inserting “or public health emergency,”
23 after “subversive activity”; and

24 (5) by inserting “or to ensure the safety of ves-
25 sels and persons in any port and navigable water-

1 way,” after “injury to any harbor or waters of the
2 United States,”.

3 **SEC. 200011. MSP OPERATING VESSELS.**

4 Notwithstanding part 296 of title 46, Code of Federal
5 Regulations, until December 31, 2020, or upon the written
6 determination of the Secretary of Transportation until
7 June 31, 2021, the operator of a vessel operating such
8 vessel under an MSP Operating Agreement (as such term
9 is defined in section 296.2 of title 46, Code of Federal
10 Regulations)—

11 (1) shall not be required to comply with any re-
12 quirement with respect to operating days (as such
13 term is defined in such section) contained in such
14 agreement; and

15 (2) shall maintain such vessel in a state of
16 operational readiness, including through the employ-
17 ment of the vessel’s crew complement, until the ap-
18 plicable date.

19 **SEC. 200012. EXTENSION OF PERIOD OF PERFORMANCE**
20 **FOR LIBRARY OF CONGRESS SEVERABLE**
21 **SERVICE CONTRACTS.**

22 (a) EXTENSION.—Notwithstanding sections 3902(a)
23 and 3904(b) of title 41, United States Code, if the per-
24 formance or delivery of services procured under a sever-

1 able service contract of the Library of Congress is delayed
2 or otherwise affected by the COVID–19 Pandemic—

3 (1) the period for the performance or delivery
4 of services under the contract may be extended for
5 an additional period not exceeding 12 months; and

6 (2) funds shall remain available for obligation
7 and expenditure under the contract until the per-
8 formance or delivery of the services is completed.

9 (b) **CONTRACTS COVERED.**—This section applies with
10 respect to contracts for services procured for a period be-
11 ginning in fiscal year 2019 or fiscal year 2020.

12 **SEC. 200013. COVERAGE OF COMMUTING EXPENSES UNDER**
13 **AUTHORITY OF ARCHITECT OF THE CAPITOL**
14 **TO MAKE EXPENDITURES IN RESPONSE TO**
15 **EMERGENCIES.**

16 (a) **COVERAGE OF COMMUTING EXPENSES.**—Section
17 1305(a)(2) of the Legislative Branch Appropriations Act,
18 2010 (2 U.S.C. 1827(a)(2)) is amended by inserting after
19 “refreshments,” the following: “transportation and other
20 related expenses incurred by employees in commuting be-
21 tween their residence and their place of employment,”.

22 (b) **EFFECTIVE DATE.**—The amendment made by
23 subsection (a) shall apply with respect to fiscal year 2020
24 and each succeeding fiscal year.

1 **SEC. 200014. REPORTS ON SUICIDE AMONG MEMBERS OF**
2 **THE ARMED FORCES DURING THE COVID-19**
3 **PUBLIC HEALTH EMERGENCY.**

4 (a) **REPORT REQUIRED.**—Not later than 90 days
5 after the date of the enactment of this Act, and monthly
6 thereafter through December 31, 2021, the Secretary of
7 Defense shall submit to the congressional defense commit-
8 tees a report on suicide among members of the Armed
9 Forces during the covered public health emergency.

10 (b) **ELEMENTS.**—Each report under subsection (a)
11 shall include, with respect to the months covered by the
12 report, the following:

13 (1) Incidents of suicide, attempted suicide, and
14 suicidal ideation by a member of the Armed Forces,
15 including the reserve components, listed by Armed
16 Force.

17 (2) The incidents identified under paragraph
18 (1) that occurred during a period of active service by
19 a member in support of—

20 (A) a contingency operation; or

21 (B) an operation in response to a covered
22 public health emergency.

23 (3) With respect to the member involved in
24 each incident identified under paragraph (2):

25 (A) Gender.

26 (B) Age.

1 (C) Rank.

2 (D) Method of suicide or attempted sui-
3 cide.

4 (4) Elements of a research agenda for the De-
5 partment of Defense to establish suicide prevention
6 treatment and risk communication for members of
7 the Armed Forces that is—

8 (A) evidence-based;

9 (B) effective; and

10 (C) designed to apply to a covered public
11 health emergency.

12 (e) DEFINITIONS.—In this section:

13 (1) The terms “active service”, “congressional
14 defense committees”, and “contingency operation”
15 have the meanings given those terms in section 101
16 of title 10, United States Code.

17 (2) The term “covered public health emer-
18 gency” means the declaration—

19 (A) of a public health emergency, based on
20 an outbreak of COVID–19, by the Secretary of
21 Health and Human Services under section 319
22 of the Public Health Service Act (42 U.S.C.
23 247d); or

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19, by the President or the
3 Secretary of Homeland Security.

4 **SEC. 200015. MODIFICATION TO MAINTENANCE OF EFFORT**
5 **REQUIREMENT FOR TEMPORARY INCREASE**
6 **IN MEDICAID FMAP.**

7 (a) IN GENERAL.—Section 6008(b)(1) of the Fami-
8 lies First Coronavirus Response Act (42 U.S.C. 1396d
9 note) is amended by inserting “, or as signed into State
10 law on April 15, 2020, and taking effect in State law on
11 April 3, 2020” after “January 1, 2020”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect as if included in the enact-
14 ment of the Families First Coronavirus Response Act.